

Braille Monitor



APRIL-MAY, 1985

VOICE OF THE NATIONAL FEDERATION OF THE BLIND

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THE BRAILLE MONITOR

PUBLICATION OF THE
NATIONAL FEDERATION OF THE BLIND

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THE BRAILLE MONITOR

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* * *

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A COMMENT FROM PRESIDENT JERNIGAN

A the beginning of the August-September, 1983, Monitor I made some comments which bear repeating in the present issue. Although the dates and the numbers of articles are different, the substance and philosophy are identical. Therefore, I won't take the trouble to try to think up new wording and new ways of saying it. Here it is as I said it then, and this is why the present issue is April-May and not just April.

"No one can ever accuse the Braille Monitor of being 'set in its ways.' Ordinarily each issue contains somewhere between eight and thirteen articles. However, as we began to think about the August issue (writing and collecting material in late May and early June), the articles just kept piling up and needing to be written. It soon became

clear that we had enough for two complete issues, but it didn't make sense to make an arbitrary division, printing half of the material in August and holding the balance of it for September. All of it needed to be in your hands as soon as possible. Holding half of the material back for September is exactly the kind of arbitrary, bureaucratic behavior which we spend a great deal of our time decrying. Therefore, we are printing the entire kit and caboodle as soon as we can, and we are combining August and September. I don't know how many pages it will come to but I am sure that it will be at least twice as long as usual. I think you will find this to be a very informative, very stimulating, and very worthwhile issue. If we find the time, we will bring another issue out before October. There is no law against it—and besides, that's the way we are."

CONVENTION UPDATE

by Betty Niceley

There is a rare treat in store for those early arrivals at our 1985 NFB convention. On June 29 and 30 the Heritage Foundation will be holding one of its Heritage weekends on the Belve-

dere right next door to the Galt House Hotel, our convention headquarters. For these two days, anyone wishing to do so may sample native foods, make exotic purchases, enjoy festive entertainment,

and observe the customs of four different countries. They are: Ireland, Greece, the Philippines, and the Caribbean Islands. Don't miss this unique experience. On one of these evenings there will be a fireworks display.

This year's hospitality room will be in a part of the new Grand Ballroom. A variety of entertainment activities will take place there on most evenings during the week. We want that to be a place of fun and fellowship, where old acquaintances are renewed and new ones encouraged.

You need to know about two of the special evening activities. One of these will take place on Tuesday, July 2. You don't want to miss this opportunity to participate in a real Kentucky Ball. It will be complete with mint juleps, southern hospitality, and the right kind of music to sweep you along the path of true enjoyment. Girls, this

is your chance to don your Southern Belle gowns and get into the atmosphere of the thing.

Wednesday evening has been chosen as the time for the cruise on the Belle of Louisville, which you have been hearing so much about. There will be music on board for those who save some dancing energy from the night before. The top deck of the Belle is an open one and provides marvelous breezes, as well as an opportunity for hailing those "ships that pass in the night."

Louisville has first-class restaurants, theaters, shopping, etc. Don't you dare miss this convention! We're getting ready for you; so you all come!

By the way, our grand prize to be given away at the banquet is \$1,000 in cash. Don't ever let it be said that Kentuckians bribe their fellow Federationists into attending national conventions!

TRIFORMATION, THE NATIONAL LIBRARY SERVICE, AND GEOFFREY BULL

by Kenneth Jernigan

On February 13, 1985, Geoffrey Bull was fired as President of Triformation Braille Service. Technically he was asked to resign, but it gets to the same place. The circumstances leading to this event are, to say the least, complex and worthy of note.

In the fall of 1984 the National Library Service for the Blind and Phys-

ically Handicapped (NLS) solicited bids for book and magazine production for 1985. Triformation Braille Service, Inc., of Stuart, Florida, had been one of the major producers for 1984, but it received no contracts at all for 1985. Why? There was something else. Almost twenty-five percent of the Triformation staff had resigned on the same day.

Again, why? In an attempt to get answers to these questions I wrote under date of December 18, 1984, to Geoffrey Bull, the President of TBS.

I sent a copy of my letter to Frank Kurt Cylke, Director of the National Library Service for the Blind and Physically Handicapped (NLS) and asked him if he would care to comment. He did under date of December 21, 1985. I also asked Jim Gashel, our Director of Governmental Affairs, to do research on the NLS book and magazine production bids and contracts for 1984 and 1985. The results of that research are printed elsewhere in this issue.

Mr. Bull replied to my letter under date of January 18, 1985; and it was not long until, as the saying goes, the fur began to fly. Guy Carboneau (the President of Triformation Systems, Inc.—not to be confused with Triformation Braille Service, Inc.) wrote letters both to me and to Geoffrey Bull under date of February 6, 1985. Arthur S. Kleinpell (Chairman of the Board of Triformation Braille Service, Inc.—again not to be confused with Triformation Systems, Inc.) wrote me under date of March 4, 1985. Finally, Geoffrey Bull wrote me under date of March 18, 1985.

As all of these letters were being written and responded to, a pattern began to emerge. There seemed to be more than a little dissatisfaction with the handling by NLS of the bids and contracts for book and magazine production last fall. Understandably Geoffrey Bull was not happy with the procedures, but Ben Holmes (the Executive Director of the Associated Services for the Blind, located in Philadelphia) was not happy about it either—and he got the lion's share of the book con-

tracts. I interviewed Mr. Bull several times before writing this article, and I interviewed Mr. Holmes on March 20, 1985.

As will be seen from his second letter, Mr. Bull says that the handling of the bids by NLS was poor. He says that Mr. Cylke is not at fault, just ill served by his staff. Mr. Holmes, on the other hand, makes no distinction as to blame. He told me that when his Braille magazine bid for 1985 was rejected, he was literally "sick." He said he talked to his attorney and asked the American Printing House for the Blind if they would care to make common cause with him to try to remedy the situation. He says they declined the invitation.

When Mr. Gashel interviewed Mr. Cylke March 19, 1985, Mr. Cylke was asked to respond to allegations that confidential information about bids for Braille books had been leaked from NLS in order to favor certain suppliers. He explained as follows:

It is a fact that two bid solicitations were made last year. No bidder submitted a response to the first solicitation which was judged by NLS to be acceptable. Therefore, all bids for Braille were rejected, and the process started again with a new solicitation. However, Mr. Cylke emphatically denied that there was any hanky-panky. Rumor had said that the Triformation bid was low on the first round and that the Associated Services for the Blind (located in Philadelphia) had brought political pressure to bear to get a piece of the action. Whether this is so or not, all of the bids were rejected—some say on petty technical grounds, the very kind of technicalities which had not been raised during past contract

lettings. When the bids came in for the second round, the Associated Services for the Blind (ASB) was low, and Triformation was out of the running.

Although Mr. Cylke declined to name names, he said that at least one producer which had not submitted a bid in the first round did so in the second. He said that this may have resulted from contact between this producer and one of the original bidders. He said that his information came from people with the producers. He said that sometime between the first bid and the second, there was a visit by one producer to another. The visitor, according to Mr. Cylke, had not submitted a bid in the first round; but the visited (Mr. Cylke's term) had done so. During the visit, the visitor was given information about the bid (including prices) by a person in the employment of the visited. Later it developed that the visitor became a competitor of the visited in the second round. The visitor did, in fact, submit a lower bid than the visited. Under the circumstances it was not hard to figure out the identities of the visitor and the visited. I told Mr. Holmes that I had information that he had visited Triformation, and he confirmed it. However, he strongly denied that he had been given any information about the contracts during his visit. He said that he was in Florida last fall and went to Stuart to visit Triformation Systems (not Braille Service) to discuss an expensive plate embossing device for producing Braille which Triformation makes and he hoped to buy. He had bought Braille producing machinery and technology from Triformation Systems in the past. While he was at Triformation Systems, he was taken across the street

to Triformation Braille Service, where he met Mr. Bull and was courteously given a tour. That was all there was to it.

I asked Mr. Holmes about Mr. Bull's statement (reprinted later in this article) that Associated Services had submitted an unrealistic picture of its production capacity to NLS in its second bid. Mr. Holmes denied it although admitting that most of the facts given by Mr. Bull about the number of ASB staff were correct. He said that he could operate his computers and presses for two shifts a day, or if necessary for three. Mr. Holmes said that he had not talked to any politician at all but that when his magazine bid was rejected, he was considering every alternative he could think of. He said that the technicalities imposed by NLS were unduly involved and difficult.

As we consider the complexities of the contracts issued by NLS for 1985 book and magazine production, we must add still another factor. Public Law 89-522, the law under which NLS operates, says in part: "In the purchase of books in either raised characters or in sound reproduction recordings, the Librarian of Congress, without reference to the provisions of Section 3709 of the revised statutes of the United States (41 USC 5), shall give preference to nonprofit-making institutions or agencies whose activities are primarily concerned with the blind and other physically handicapped persons in all cases where the prices or bids submitted by such institutions or agencies are by said Librarian, under all circumstances and needs involved, determined to be fair and reasonable."

What this means when we cut through

the verbage is simply this: If a non-profit organization does not bid more than ten percent higher than a profit-making competitor, the contract goes to the nonprofit organization. One would think it would be the other way around since the nonprofit organization does not have to pay taxes and is usually the recipient of charitable gifts and bequests. However, the government has never held itself out as a proponent of logic.

Be this as it may, the blind of the nation should be much better informed than they are about what is happening in the production of Braille. To this end we have collected the data for this article and are reproducing the pertinent correspondence. While it is lengthy and involved, careful study will reward the reader. When possible, the Monitor reproduces original documents and primary sources:

Baltimore, Maryland
December 18, 1984

Dear Mr. Bull:

When you came to the National Federation of the Blind convention in Kansas City in 1983, you radiated optimism concerning the future of Triformation Braille Service. At that time Guy Carbonneau seemed to be in charge of all operations, and your plans seemed clear. It was announced that Louise Kimbrough was leaving her position as Editor of Dialogue Magazine to take a managerial position with Triformation.

The pattern was essentially more of the same when you came to our convention last summer in Phoenix. One had the

feeling that here was a private company (not a government agency or a non-profit organization) which was digging in with the know-how and the determination to produce Braille in a business-like manner and make it pay—not only for the company but also for the blind. There was no hint of trouble or problem.

Certain matters have recently come to my attention which cause me to wonder what is happening. Last summer at Phoenix you mentioned that Triformation Braille Service was now an independent entity, but I did not realize that there had been a complete separation from the remainder of the operation and that Guy Carbonneau was no longer connected with Triformation Braille Service. I am told that this is the case. Moreover, I understand that Louise Kimbrough (about whom so much favorable comment was made only a year ago) left Triformation Braille Service on December 14, 1984, and that four other staff members left at the same time. If (as I am given to believe) you have only about twenty staff members, this constitutes a rather sizable percentage of the total number and was surely not mere happenstance.

To add still another factor, there is the matter of contracts for book production from the National Library Service for the Blind and Physically Handicapped. It is my understanding that Triformation produced Braille books for the National Library Service in 1984 and prior years but that NLS is not awarding a single contract to Triformation for production of Braille books for 1985—this despite the fact that Triformation submitted bids. I have heard all sorts of speculation: that you did not follow correct bid procedures, that NLS did not follow its own procedures, that

political pressure was brought to bear, that you submitted a bid to produce the total amount of the NLS Braille book order for 1985 instead of breaking the bid into smaller segments, and such like. Under the circumstances it seems better to ask than speculate. Therefore, I would appreciate your response to what I have said in this letter and to the following specific items:

What is the corporate structure of Triformation Braille Service, and what (if any) is its relationship to the other company which was formed when the operation was divided? Who is the owner of Triformation Braille Service, and what are the circumstances surrounding the division of the original company?

Why did Louise Kimbrough and the other staff members leave Triformation Braille Service? There are those who say that Mrs. Kimbrough feels that Triformation's promise far exceeded its performance.

I would like to have your comments concerning the NLS contracts for 1985. Why did none of them go to Triformation? Was it a change in thinking or policy on the part of NLS? Was it a change in the behavior or procedures of Triformation? Or was it simply that you did not bid low enough? If it was only a matter of how much you bid, how could things have changed so drastically in a few short months?

Finally, I would appreciate your comments about the future of Braille in this country. As you know, we recently established the National Association to Promote the Use of Braille, and we are doing everything that we can to see that increasing amounts of Braille are available. Triformation Braille Service has seemed to be one of the most promising factors in the equation. I have always

felt that its production was efficient and its prices competitive. With the new developments I wonder what the future holds for Triformation Braille Service and whether the prospects for increasing supplies of Braille are less bright than we thought. In short, are we dealing with politics, production problems, economics, personality differences, or something else?

Since Frank Kurt Cylke is the head of the National Library Service for the Blind and Physically Handicapped and since some of the issues raised in this letter involve NLS, I am sending Mr. Cylke a copy of this letter and am asking him for any comments he cares to make. I hope that you will answer my questions specifically and in detail. It is my current plan to print this letter (along with any response I may get from you and/or Mr Cylke) in the Monitor.

Cordially,
Kenneth Jernigan, President
National Federation of the Blind

cc: Mr. Frank Kurt Cylke

Washington, D.C.
December 21, 1985

Dear Mr. Jernigan:

I have received a copy of your December 18, 1984, letter to Geoffrey Bull, President of Triformation Braille Service. In it you suggest that I may wish to comment.

As you know on November 30, 1984, James Gashel of your staff requested a summary of our awards for books and

magazines in all media. A list was compiled and sent to him, together with background material, on December 13, 1984. A copy is enclosed for your information.

Please note that in addition to the items listed on the enclosure the American Foundation for the Blind received \$888,048.00 for the recording and duplication of audio cassette books. Triformation Braille Service received an award of \$8,287.50 to produce Musical Mainstream in Braille.

In conclusion, I note that all Library of Congress contracting is pursued in accord with PL 89-522, Title 48 of the Federal Acquisition Regulations System and Library of Congress Regulations. Our files are open to appropriate public examination.

Sincerely yours,

Frank Kurt Cylke, Director
National Library Service for the
Blind and Physically Handicapped

Stuart, Florida
January 18, 1985

Dear Dr. Jernigan:

I write in reply to your letter dated December 18, 1984. The nature and extent of the questions raised in your letter demonstrate once again how effective you and your organization are in "keeping your finger on the pulse...".

This reply will make an honest attempt to answer all your questions—all, that is, except one: you ask "... I would appreciate your comment about the future of Braille in this country". This is, I believe, too extensive a subject to

cover in this letter; suffice it to say that Triformation Braille Service plans to be a major factor in that future.

Let me deal with your inquiry under four headings: Corporate History; NLS Contracts; Staff Movements; and the Future for Triformation Braille Service.

Corporate History

Triformation Systems established its own Braille production facility in 1980 by setting up a new department—Triformation Braille Service. The objective?—to establish a testing site for the braille production equipment manufactured by Triformation Systems, to pioneer new Braille production methods and techniques, and of course, to make further resources available to meet the demands of the Braille user. This new Braille department initially concentrated on the production of Braille books, particularly press-Braille books for the National Library Service Division of the Library of Congress (NLS).

Triformation Braille Service was remarkably successful in this field. From small beginnings (15 Braille titles in 1980), 45 Braille titles were produced in 1981, 95 in 1982, 150 in 1983, and the equivalent of 215 average length Braille titles were produced in 1984—more than 60% of the NLS press-Braille book contract. Triformation Systems' Braille department therefore rapidly became very much a production oriented unit, rather than an experimental/testing ground. This was one of the key factors which determined that the Braille production department of Triformation Systems should be established as a separate corporate entity in June,

1984.

On June 15, 1984, Mr. Arthur S. Kleinpell, the largest stockholder of Triformation Systems, Inc., and a member of the Board of Directors since 1980, bought TBS, Inc. He had been with Triformation Systems, Inc. through the start-up process of the printing house and understands the in's and out's of the Braille printing business. In fact, it was Mr. Kleinpell, along with Guy Carbonneau, President of Triformation Systems, Inc., who was instrumental in hiring me from England. Mr. Kleinpell's commitment and dedication to the blind community continues as it did when he was a director of Triformation Systems. TBS and Triformation Systems are now completely separate corporate entities, but they are physically next door to one another and many of the old relationships and common interests remain; and where there was advantage before of having a high tech company and a Braille producer working closely together, those opportunities still exist, and the spirit of cooperation remains high.

NLS Contracts

There are two major Braille contracts for which NLS sends out invitations for bid each year—Braille magazines, and press-Braille books. Despite guarantees given by the courier used, the bid from TBS for magazines for 1985 arrived at NLS fifty (50) minutes late, and was therefore declared "No Bid".

The circumstances leading to awards made under the press-Braille book contract for 1985 were somewhat unusual: on August 24, 1984, bids from three of the five established Braille producers were opened at NLS—one producer decided not

to bid, and the fifth (Associated Services for the Blind (ASB)), did not submit a bid. One month later, and three days before the contract was due to commence, all producers received a notice stating that: "The FY 1985 press-Braille book bid IFB 85-001, has been cancelled. There were no responsive bidders!" (All bidders had submitted defective samples.) Three weeks later the same bid package was reissued and on November 15, four bids were opened at NLS—bids from the three original bidders plus a bid from ASB. (It was learned later that all samples submitted on this second occasion were also defective.)

On or about November 29, 1984—it being now two months past the scheduled start date for the contract (see later in this letter)—producers were notified of the following awards: ASB 200 titles at a price of \$.1389 per page; National Braille Press (NBP) 12 titles at \$.175; American Printing House (APH) 138 titles at \$.177. The only other bidder, TBS, was awarded no titles having bid \$.164 for 250 titles and \$.167 for 200 titles.

The method of award is somewhat complex since it is not only determined by price, but also by proven ability to deliver a quality product on schedule, and by the production capacity and quality assurance procedures of each Braille producer. One further (and very important factor as far as TBS is concerned), is a contract clause which gives a ten percent (10%) bid price advantage to nonprofit organizations—Section M-1 of the contract states: "...The NLS/BPH reserves the right to award all, none, or part of this solicitation as may be in its best interest and to give nonprofit organizations

working with the blind and physically handicapped first consideration if their prices are determined to be fair and reasonable (i.e. within ten percent of those quoted by commercial sources)."

To my knowledge TBS is the only for-profit organization in the United States—and indeed anywhere in the world—that produces significant amounts of Braille, we are therefore the only Braille producer that can be affected by this particular clause, and as it happens this year, although we were the second lowest bidder the "ten percent clause" puts us down into fourth place which dramatically affected our fortunes on this occasion.

During the past four years TBS, with the encouragement of the NLS, has been the forerunner in holding down the escalating costs of Braille production. In our bid for press-Braille books for 1985 we increased our price (a significant increase) for the first time since 1980. The primary cause for this increase is the continuing decline in the number of copies of press-Braille books being ordered, the numbers having decreased by more than fifteen percent (15%) over the last five years. You will no doubt recall, Dr. Jennigan, that I addressed this question of the relationship between the number of copies and unit cost at your last annual convention in Phoenix. In 1980 approximately 80 copies of each press-Braille title were produced—the average number of copies during 1985 is expected to be about 66. If the number of copies had remained at 80, TBS would have been able to produce 1985 books at or about 1980 prices demonstrating just how well we have been tackling the question of Braille production costs.

Obviously, our attack on costs has been well noted by some of our competitors—ASB have come in with a very impressive bid for 1985, and their bid to my knowledge is the lowest bid submitted for more than four years. On costs alone ASB had us beaten hands down on this occasion, and although I am obviously not happy with the ten percent differential which enabled NBP and APH to ease ahead of us this year, there's little more to be said about awards made on a purely price basis. However, I am very deeply concerned about other more discretionary aspects of the award process.

As I stated earlier, apart from price, award allocations are determined by the ability to deliver a quality product on schedule, and by production capacity.

The contract allows NLS considerable discretion in these areas. For example: Section L-1.1 states "No bidder will be awarded a quantity of work greater than their annual production capacity." And "The Production Capacity Model and Quality Assurance Procedures must be approved by NLS/BPH for the bid to be considered responsive." Section L-2 states "... the government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the offer." (Although TBS did not bid on less than 200 titles, this clause would allow NLS to award less than 200 if it had so wished.) Finally, Section M-1 states "... the NLS/BPH reserves the right to award all, none, or part of the solicitation as may be in its best interest...".

In my view NLS left itself open to criticism this year in its award pro-

cess, since it's decisions led to the following situation: ASB, who according to NLS records have not previously produced more than 18 titles in one contract year (I suspect this figure should be a little higher—but not much) are contracted to produce 200 titles in the 1985 contract. For a producer not previously geared up to produce large numbers of press-Braille books this huge jump in production would be virtually impossible under normal conditions, and in the now shortened contract year (see earlier), is probably unattainable if resources employed are only those described on the Production Capacity Model submitted by ASB to NLS for approval. Meanwhile, APH is left with considerable spare book production capacity, and TBS is obliged to release valuable trained staff because it was awarded no books.

Every attempt must be made to avoid these radical swings in contract award allocations since they are potentially harmful to the planned growth of Braille producers, and to the medium- to long-term prospects for Braille. (I suspect my comments will be somewhat similar if next year TBS is awarded 250 books, and ASB is awarded none!)

Staff Movements

Dr. Jernigan, you ask why did Louise Kimbrough and four other staff members leave Triformation Braille Service? Apart from Louise the other four staff members to whom you refer had been with the company for less than six months. Obviously with the loss of such a major contract, they were astute enough to realize that staff numbers may need to be cut in the short term and that their

positions were vulnerable; I believe therefore, they decided to determine their own destinies at a time of their own choosing. I also know that one or two of them were unsettled having only recently relocated to Stuart, Florida.

Mrs. Louise Kimbrough joined TBS as "Special Projects Manager" and both she and I hoped that she would be able to spearhead the diversification of our activities. The company's outstanding success with press-Braille books proved to be a mixed blessing, since it put considerable demands on our staff and particularly our proofreading resources.

Louise had proven abilities and expertise in this field and production pressures persuaded us to use her skills in dealing with the more difficult proofreading tasks and we therefore failed to capitalize on her expertise in other areas—this frustrated both Louise and myself. Ironically, now that the company has the resources and the will to diversify and broaden the scope of its activities, Mrs. Kimbrough has decided to leave us so that she can undertake a number of projects that I know she had had in mind for some little time and is to become self-employed. But she is literally just down the road from TBS and we will continue to work with one another from time to time and with Louise potentially available on a consultancy basis, we hope to continue to benefit from her broad experience.

The Future for TBS

It was Guy Carbonneau's inspiration, initiative and influence that gave birth to Triformation System's Braille production department, and it was Martin

Droege's know-how and energy that put that department on its feet—and I like to think that I have continued Martin's good work. The Braille division of Triformation Systems has since the early days functioned more often than not independently from the company. That is why the recent purchase of TBS, Inc. and ensuing corporate reorganization went smoothly. The recent company reorganization and the loss of a major contract just happened to occur in the same year—there was no cause and effect here.

The loss of such a major contract is obviously a blow to our pocketbook and to our pride but it gives us an unexpected opportunity to do some active marketing in new areas now that we are somewhat freed from book production pressures. You ask, Dr. Jernigan, "with the new developments I wonder what the future holds for Triformation Braille Service and whether the prospects for increasing supplies of Braille are less bright than we thought." No sir, the prospects are not less bright, in fact if there is Braille out there that needs to be produced—let us know! TBS plans to become an increasing force in areas other than book production, but of course we also plan to do our share of the 1986 NLS press-Braille book contract.

Thank you Dr. Jernigan for giving me this opportunity to let you know what is going on down here in the deep south; as you so rightly said you your letter—"it seems better to ask than to speculate."

Yours very truly,
Geoffrey L. Bull, President
Triformation Braille Service
cc: Mr. Frank Kurt Cylke

Stuart, Florida
February 6th, 1985

Dear Ken:

Enclosed with this letter you will find a copy of a letter I had sent to Geoffrey Bull. The letter was in response to a letter he had sent to you.

I felt that the nature of this letter, and the subject matter required a response from me, particularly since I am mentioned prominently in his letter. I think that the letter I sent back to him will speak for itself.

I hope that all is well with you.

Sincerely,
Guy Carbonneau, President
Triformation Systems, Inc.

Stuart, Florida
February 6th, 1985

Dear Geoff:

This letter is to clarify and correct some inaccuracies in regards to your recent letter to Dr. Jernigan. Initially, let me say that in the future when you refer to me by name in your correspondence I would appreciate that you carbon copy me. In this case I was made aware of the contents of your letter and your references to me through the courtesy of Kurt Cylke who sent me a copy of his copy.

First: In regards to TBS and its past and current relationship with Triformation Systems. I was solely responsible for your hiring at TBS. At the time of your hiring Mr. Kleinpell was not

involved with my decision to hire you. Second: Your statement that Mr. Kleinpell is the majority stockholder in Triformation Systems is incorrect. Mr. Kleinpell held a sizable portion of the stock; however he never was in a majority position in this organization. In June of 1984 when he purchased TBS, Mr. Kleinpell and this company severed all connections.

Third: An issue I want to raise is your references to TBS' founding, the motivation therein, and lastly the reasons for the sale of TBS. TBS was founded as a prototypical production test environment. An environment whereby we could experiment with and further develop advances in the current technologies involved in the production of Braille in as many media as we were able to capably advance. It was with the encouragement and cooperation of the NLS that TBS became a reality. You are correct in your reference to the fact that it was my initiative that started TBS, and further it was Martin Droege's energy and expertise that allowed it to be viable. It was upon these two efforts that the edifice you inherited was built. The fact that TBS was able to be competitive within the production of Braille books was a happy coincidence resulting from the efficient application of the new technologies that we developed. Granted this was a welcome result and one that advanced our claims and intentions in the demonstration and furthering of Braille media production through the application of technology. To even intimate that I sold TBS to Mr. Kleinpell so that it could act solely as a production facility and no longer as a test environment is unfounded. The loss of the test environment is a loss that I

feel rather strongly. To be completely accurate, TBS was sold to Mr. Kleinpell purely for financial reasons, because the corporation was in need of the capital that the sale generated.

In looking to the future of TBS, I would like to hope that its name remains synonymous with quality results in innovative and traditional Braille production. I further hope that you do not find issues relating to quality incompatible with the need to be a profitable corporation. Regarding Mr. Kleinpell's involvement both past and present with TBS and the blindness community, I am perhaps more aware than you of the exact depth and nature of his commitments.

I want you to know that I disagree totally with your rationale concerning TBS' failure to win an NLS book contract for 1985. Your letter leaves the reader with the impression that this unfortunate outcome is entirely due to ineptitude and bad judgment on the part of NLS. All of us recognize that the awarding of this contract was far from a model process. However, as you and I both know most of the bad judgment originated in your office. Your decision to bid higher prices, and your unwillingness to bid on all possible increments of books can not be blamed on NLS. It is my feeling that if you had bid on lower quantities as well as the higher lots, you would currently have an NLS contract. It has come to my notice that your continuing inattention to detail on later bids to NLS would also have resulted in the loss of contracts if there had been any other bidders.

Candidly, given the nature of your track record during the last crucial months, I have no doubt that I would have reassigned your position if you

were still working for me. I feel that you lost the NLS book contract solely due to high prices and inattention to detail. You have been consistently unwilling to heed advice from those of us who have experience in dealing with these issues, and it is quite clear that we are unable to help you further in this situation. I only hope that individual access to Braille materials does not suffer as a result of this situation.

Beyond this, your insistence on blaming NLS for TBS' unfortunate situation is in my opinion isolating you and your organization in a way which sadden me. I want to make it clear that we at Triformation Systems want no part in any further steps you may choose to take in pursuing this unwise and imprudent course. I only wish you had approached the task of preparing your 1985 NLS bid with the same thoroughness and attention to detail shown in your letter to Dr. Jernigan.

Sincerely,
Guy Carbonneau, President
Triformation Systems, Inc.

Stuart, Florida
March 4, 1985

Dear Dr. Jernigan:

First, I want to say that I appreciate your interest and concern for us at Triformation Braille Service, Inc.

Unfortunately, Mr. Geoffrey Bull is no longer with TBS. He and I reached a point of irreconcilable differences and I requested his resignation.

The letter that Mr. Bull sent to you

dated January 18, 1985, cannot be condoned by TBS, Inc. or me personally. The facts as presented in that letter, in particular the reference to the loss of the book contract from the National Library Service are not correct.

To get right to the point and to the bottom line of the whole bid scenario for 1985, TBS, Inc. just simply priced itself out of the market. The high bid was a calculated, carefully thought-out process that in the end entailed a lot of risk. It was not created by omission or carelessness. Unfortunately, besides the high bid, there were other problems TBS created for itself:

First; TBS, in the initial bid opportunity, failed to submit to the NLS a copy of our sample work that met the new specifications. Despite the fact that the initial 1985 book bid had to be cancelled because "there were no responsive bidders", this was an obligation we did not meet.

Second; When TBS, Inc. submitted it's bid, it failed to quote a price on all the categories for quantities of books.

Third; TBS, Inc. did not properly prepare for the ten percent (10%) preference given to non-profit entities when quoting higher prices and,

Fourth; When TBS, Inc. bid on the book contract for a second time, it still did not submit a sample copy of work that met the new specifications and repeated problems two and three above in this bid as well.

When we were notified of the fact that we had lost the book contract, I requested a formal briefing. This request was honored and I ended up having two lengthy meetings in Washington, D.C. The first meeting was attended by Mr. Bull, Mr. Guy Carbonneau and myself.

The second trip I took alone. In both meetings, the NLS could not have been more open or professional in their answers to our questions. I feel confident that nothing was kept from our eyes. We reviewed everything from the Production Capacity Models to the sample books other Braille producers had submitted. In the final analysis, and after both meetings, I feel that no unfairness or injustice was directed at TBS, Inc.

No, I am not happy about losing the 1985 book contract, but to infer or conject that it was because of anything other than what TBS did to itself would not be correct. The facts of this whole issue are quite clear and simple.

I have put the loss of the 1985 contract behind us and have turned our collective efforts toward finishing this year on the plus side and gearing up for next year. TBS is actively working on improving its future. I have been in close contact with Louise Kimbrough about a lot of different management and marketing ideas. Martin Droege has become part of the team as an operational consultant. On March 10, I fly to Germany to pick up a high speed Braille printing press. Hopefully, this press will make TBS more competitive in the magazine business. TBS' commitment to remain a force in the Braille publishing business has never been greater. My philosophical views are such that TBS will remain a for-profit corporation. I feel that the blind community can best be served through the efficiency, accountability, better quality and lower price that a for-profit organization can offer.

I am sincerely looking forward to not only doing more work for the Federation,

but to meeting you personally.

If you have any questions about me or my plans for TBS, Inc., please feel free to call or write.

Sincerely,
Arthur S. Kleinpell
Chairman of the Board
Triformation Braille Service, Inc.

Stuart, Florida
March 18, 1985

Dear Dr. Jernigan:

In my letter to you dated January 18th, I gave what I still feel were discrete answers to the questions raised in your letter of a month earlier. I gave a brief history of TBS plus some reasons why June 1984 seemed an appropriate time for a corporate reorganization. I then went on to discuss the 1985 NLS book contract, clearly stating that TBS had bid too high a price, that TBS was certainly not entitled to a large number of books in 1985, but that perhaps NLS could have used some discretionary powers so that radical swings in award allocations might have been avoided, the reasons for some staff movements, and finally the future for TBS. These last two points have not been disputed in recent correspondence so I will say no more about these at this time.

The chief objective of my last letter to you was to respond honestly to your inquiries, but also to respond discretely such that I did not completely unveil the problems and shortcomings of others. If all persons had read my letter objectively and unemotionally,

and had bothered to learn the full facts before reacting, then I feel the objective of my letter would have been achieved—TBS would have been seen (quite rightly) not to be in disarray, and we could have all gone about our business.

The letters from Messrs. Carbonneau and Kleinpell leave me no option but to put all the cards on the table, since if their letters remain unanswered my name and reputation would unjustifiably suffer. I have had to read my January letter several times to confirm that the letter says what it was designed to say, since the letters from Carbonneau and Kleinpell do not reflect or represent fairly the contents of that letter. In fact both of these individuals seem to have hysterically embarked on a personal persecution campaign against me. Their motives?—I can only guess: Carbonneau probably because of a deep-seated bitterness and damaged pride after virtually being compelled to sell TBS in 1984 (see later); and Kleinpell probably because of his desire to curry favor with NLS, to which end I needed to be the scapegoat.

Dr. Jernigan, I am not replying to either the Carbonneau or the Kleinpell letter directly—the first, although addressed to me, was obviously designed for wider distribution; the second, I was not listed on the copies. I am therefore requesting the use of your office as the vehicle of reply. The remainder of this letter therefore will consist of the following:—(a) addressing issues raised in Guy Carbonneau's letter. (b) addressing issues raised in Art Kleinpell's letter. (c) a somewhat reluctant disclosure of the full facts which lay behind some references in my

January letter. (d) Some closing remarks.

In addressing the issues raised in both the Carbonneau and Kleinpell letters, because virtually every sentence merits comment, clarification, contradiction, or condemnation. The only way I can do full justice to their letters is to reproduce the Carbonneau letter in full and the first half of the Kleinpell letter in full, with my comments given in brackets where appropriate—I see no other way since there are so many issues to be addressed.

Perhaps this letter should be labeled "PG"—not on this occasion to mean "parental guidance" but because in Carbonneau's letter I have to contend with so much pettiness, provocation, persecution, pride, and prattle; whereas in the Kleinpell letter it is more a case of no guts, a mere glimmer of the truth, a goat (of the scape variety), and certainly no good nature. But away with this averting alliteration, let me proceed—here are the letters in question:

Triformation Systems, Inc.
February 6, 1985

Dear Geoff:

This letter is to clarify and correct some inaccuracies in regards to your recent letter to Dr. Jernigan. [Bull's comment: Neither do you clarify nor correct—rather do you confuse and wrongly condemn.] CARBONNEAU LETTER: Initially, let me say that in the future when you refer to me by name in your correspondence I would appreciate that you carbon copy me. In this case I was made aware of the contents of your letter and your references to me through the courtesy of Kurt Cylke, who sent me

a copy of his copy. [Bull's comment: The original correspondence involved Dr. Jernigan, Kurt Cylke, and myself. In an attempt to maintain a relatively low key I did not choose to copy yourself, APH, ASB, National Braille Press, nor any others referred to in the correspondence.] CARBONNEAU LETTER: First: In regards to TBS and its past and current relationship with Triformation Systems. I was solely responsible for your hiring at TBS. At the time of your hiring, Mr. Kleinpell was not involved with my decision to hire you. [Bull's comment: Since you wish to raise this very petty matter, let me remind you that I was interviewed separately both by yourself and Art Kleinpell before joining Triformation Systems—it's surely reasonable to assume that his interview was part of the hiring process!]*] CARBONNEAU LETTER: Second: Your statement that Mr. Kleinpell is the majority stock holder in Triformation Systems is incorrect. [Bull's comment: There is no statement to that effect in my letter—please re-read the beginning of paragraph six.*] CARBONNEAU LETTER: Mr. Kleinpell held a sizable portion of the stock; however he never was in a majority position in this organization. [Bull's comment: I agree, my letter does not contradict this!]*] CARBONNEAU LETTER: In June of 1984 when he purchased TBS, Mr. Kleinpell and this company severed all connections. [Bull's comment: Agreed—what is your point?]

CARBONNEAU LETTER: Third: An issue I want to raise is your references to TBS' founding, the motivation therein, and lastly the reasons for the sale of TBS. TBS was founded as a prototypical production test environment. An environment whereby we could experiment with

and further develop advances in the current technologies involved in the production of Braille in as many media as we were able to capably advance. [Bull's comment: What is your point? You have used different words to express what I have said in my letter—please re-read paragraph four.] CARBONNEAU LETTER: It was with the encouragement and cooperation of the NLS that TBS became a reality. [Bull's comment: This is getting tiresome! Once again what is your point?—similar credit is given to NLS in my letter, please re-read the beginning of paragraph twelve.] CARBONNEAU LETTER: You are correct in your reference to the fact that it was my initiative that started TBS, and further it was Martin Droege's energy and expertise that allowed it to be viable. It was upon these two efforts that the edifice you inherited was built. [Bull's comment: Presumably you inserted this passage in an attempt to give yourself and Martin Droege all the credit for TBS' past success, and to belittle my contribution—would it not have been more just at this point to have recognized that I was responsible for increasing the gross income of TBS by sixty percent between the end of 1982 and the end of 1984?]*] CARBONNEAU LETTER: The fact that TBS was able to be competitive within the production of Braille books was a happy coincidence resulting from the efficient application of the new technologies that we developed. Granted this was a welcome result and one that advanced our claims and intentions in the demonstration and furthering of Braille media production through the application of technology. [Bull's comment: Although I am still not totally clear re the motivation or ob-

jective of this letter, this whole passage in my book is labeled mere "prattle"!]

CARBONNEAU LETTER: To even intimate that I sold TBS to Mr. Kleinpell so that it could act solely as a production facility and no longer as a test environment is unfounded. [Bull's comment: Just as beauty is in the eye of the beholder, so interpretation depends on the insight of the inspector, and reality rests with the reasonableness of the reader. If you would get away for one moment from your subjective reading of my letter you would see that the intimations to which you refer do not exist. My letter states towards the end of paragraph five: "Triformation Systems' Braille department therefore rapidly became very much a production oriented unit, rather than an experimental testing ground. This was one of the key factors which determined that the Braille production department of Triformation Systems should be established as a separate corporate entity in June 1984." So the emphasis was already on production rather than a test environment, and it was this production income and potential income that helped to attract a buyer. I did not say that TBS was sold "so that it could act solely as a production facility...". It was at this point in your letter that you failed utterly to recognize the discrete way in which I discussed the separation question—a subject to which I will turn shortly.]

CARBONNEAU LETTER: The loss of the test environment is a loss that I feel rather strongly. [Bull's comment: Yes, and you would do well to get these feelings under control.]

CARBONNEAU LETTER: To be completely accurate, TBS was sold to Mr. Kleinpell purely for financial reasons,

because the corporation was in need of the capital that the sale generated. [Bull's comment: "To be completely accurate...". No sir, if you refuse to recognize my discrete handling of this whole subject in my letter of January 18, then let us be "completely accurate"! You know, and I know, that TBS was sold purely for financial reasons, but the sale did not generate any capital for Triformation Systems. This sale merely made a dent in the very considerable debts that Triformation Systems had at this time. Do you really want the whole world to know that Triformation Systems was so much in debt in the first half of 1984? Do you really want the whole world to know that the income generated from the sale of TBS may or may not enable Triformation Systems to get back on to a sound financial footing?]

CARBONNEAU LETTER: In looking to the future of TBS, I would like to hope that its name remains synonymous with quality results in innovative and traditional Braille production. [Bull's comment: What is your point?]

CARBONNEAU LETTER: I further hope that you do not find issues relating to quality incompatible with the need to be a profitable corporation. [Bull's comment: On what grounds can you justify inserting this sentence?]

CARBONNEAU LETTER: Regarding Mr. Kleinpell's involvement both past and present with TBS and the blindness community, I am perhaps more aware than you of the exact depth and nature of this commitment. [Bull's comment: I am assuming that you are referring to the passage in paragraph six of my letter which states: "Mr. Kleinpell's commitment and dedication to the blind community continues as it did when he

was a director of Triformation Systems, Inc."* If by your remarks you are casting doubts about Mr. Kleinpell's commitment, then such doubts if expressed are incompatible with your stated hopes for the future of TBS.]

CARBONNEAU LETTER: I want you to know that I disagree totally with your rationale concerning TBS' failure to win an NLS book contract for 1985. Your letter leaves the reader with the impression that this unfortunate outcome is entirely due to ineptitude and bad judgment on the part of NLS. [Bull's comment: The facts are so grossly misrepresented here that I must refer the reader to my letter, particularly paragraphs thirteen through fifteen. In these paragraphs I clearly state that TBS bid too high; that we were sufferers from the ten percent clause and that there was nothing we could do about that; but that there were discretionary powers—according to my reading of the contract—which NLS might have used if it had so wished which could have avoided radical swings in contract allocations. The crux of my letter is centered on the beginning of paragraph fifteen: "In my view NLS left itself open to criticism this year in its award process, since its decisions led to the following situation: ...". I then went on to describe a situation in which I stated that I felt ASB was over-committed, APH had plenty of spare capacity, and TBS was faced with some major re-thinking. I did not say what NLS should have done, I expressed a view that their allocation allotments left them open to criticism. Once again, Mr. Carbonneau, you force my hand. Just as you failed to recognize tact and diplomacy when I discussed the sale of TBS, now you re-

fuse to be cautious when interpreting my letter and its references to NLS. Therefore after I have dealt with your letter and that of Mr. Kleinpell, I shall be obliged to say a great deal more about how NLS left itself open to criticism. So through your bullheadedness not only have you forced me to discuss Triformation Systems' financial situation in public, but you now force me to discuss NLS and ASB in a less than flattering light.] CARBONNEAU LETTER: All of us recognize that the awarding of this contract was far from a model process. [Bull's comment: This is perhaps the most revealing sentence in your letter. What a pity you did not expand on this statement since it does not seem to be supported anywhere else in your letter—why was it "far from a model process"?] CARBONNEAU LETTER: However as you and I both know most of the bad judgment originated in your office. [Bull's comment: I wonder when the full story is told whether this will be the consensus view.] CARBONNEAU LETTER: Your decision to bid higher prices, and your unwillingness to bid on all possible increments of books cannot be blamed on NLS. [Bull's comment: I did not blame NLS.] CARBONNEAU LETTER: It is my feeling that if you had bid on lower quantities as well as the higher lots, you would currently have an NLS contract. [Bull's comment: Wrong again! How can you be wrong on so many occasions? Contract awards this year were made on a purely mathematical straight-jacket basis, and as long as those rules applied, whether TBS bid on 200 books or 12, TBS would not have been awarded any titles until the production capacity of ASB and APH had been met.] CARBONNEAU LETTER: It has come to my notice that

your continuing inattention to detail on later bids to NLS would also have resulted in the loss of contracts if there had been any other bidders. [Bull's comment: The plurality in this sentence "bids", and "contracts", continues to highlight the inaccuracies, and the venom, and the vindictiveness of you letter. You can only be referring to the one occasion on which I mistakenly submitted one copy of a bid instead of the four copies required by NLS. The exaggeration here is extremely provocative!]

CARBONNEAU LETTER: Candidly, given the nature of your track record during these last crucial months, I have no doubt that I would have reassigned your position if you were still working for me. [Bull's comment: If all of your decisions are based on such misinformation and misrepresentation, then one can hardly take seriously such a statement, and your venom is unlikely to penetrate the astute reader.] CARBONNEAU LETTER: I feel that you lost the NLS book contract solely due to high prices and inattention to detail. [Bull's comment: Half right at last! High prices—yes, inattention to detail—no!] CARBONNEAU LETTER: You have been consistently unwilling to heed advice from those of us who have experience in dealing with these issues, and it is quite clear that we are unable to help you further in this situation. [Bull's comment: You will recall, Mr. Carbonneau, that I heeded your advice when we went to Washington together following the bid announcement; but right now I am reminded of that old saying—with friends like this, who needs enemies?] CARBONNEAU LETTER: I only hope that individual access to Braille materials

does not suffer as a result of this situation. [Bull's comment: Amen.]

CARBONNEAU LETTER: Beyond this, your insistence on blaming NLS for TBS' unfortunate situation is in my opinion isolating you and your organization in a way which saddens me. [Bull's comment: The insistence is yours. I laid no blame, I simply hinted that there were ways in which NLS could have made awards within the terms of the contract which would have been beneficial to all Braille producers.] CARBONNEAU LETTER: I want to make it clear that we at Triformation Systems, want no part in any further steps you may choose to take in pursuing this unwise and imprudent course. [Bull's comment: The course that I took was to respond to a letter from Dr. Jernigan. My reply was as full as the inquiry merited. I took many hours writing that letter in order that I might not be over-critical of any party. Your letter and Art Kleinpell's letter now make that impossible.] CARBONNEAU LETTER: I only wish you had approached the task of preparing your 1985 NLS bid with the same thoroughness and attention to detail shown in your letter to Dr. Jernigan. [Bull's comment: This sentence is a classic! An implied compliment for a letter that has received so much criticism? Surely this is the most appropriate note on which to end a letter which is full of half truths, false accusations, and misrepresentations; a letter whose confusion and inaccuracies are used as the messengers of unjustified venom and vindictiveness.]

* It is appropriate that this asterisk comment should appear between the letters from Messrs. Carbonneau and Klein-

pell. These four asterisks identify the fact that the statements being discussed were inserted by Art Kleinpell. Yes, Arthur Kleinpell heavily edited and added to my letter to Dr. Jernigan—a letter that later he says he cannot condone! The whole of the first half of paragraph six of my letter was inserted by Mr. Kleinpell—those questions over which Guy Carbonneau became so confused: "majority stock holder", "my hiring", and "commitment to the blind community." Yes, these were all the handywork of Arthur Kleinpell, and yet not one word was mentioned in his letter to Dr. Jernigan (or anyone else) concerning Guy Carbonneau's contradiction of these points. Under these circumstances surely an ability to condone my letter and failure to comment on Guy Carbonneau's letter, speak volumes in terms of loyalty and guts.

Nevertheless, let us now move on and look at Kleinpell's letter step by step:

Stuart, Florida
March 4, 1985

Dear Dr. Jernigan:

First, I want to say that I appreciate your interest and concern for us at Triformation Braille Service, Inc.

Unfortunately, Mr. Geoffrey Bull is no longer with TBS. He and I reached a point of irreconcilable differences and I requested his resignation. [Bull's comment: The differences being that one of us has recently come to the conclusion that it makes good business sense never to raise a finger of criticism against NLS, no matter what the provocation, no matter what the justification. This despite the fact that during December Mr. Kleinpell and I spent a

great deal of time considering whether the facts that we already had to hand were sufficient to justify a formal appeal against decisions made by NLS.]

KLEINPELL LETTER: The letter that Mr. Bull sent to you dated January 18, 1985, cannot be condoned by TBS, Inc. or me personally. [Bull's comment: This, despite the fact that the hand of Arthur S. Kleinpell was heavily embedded in that letter—is there really any purpose in me saying more about this matter?]

KLEINPELL LETTER: The facts as presented in that letter, in particular the reference to the loss of the book contract from the National Library Service, are not correct. [Bull's comment: If they are not correct, why does this letter proceed without contradicting one single point raised in my letter? I wonder also why this letter tries to highlight problems experienced by TBS when some of these same problems were encountered by all other Braille producers—is there some attempt to distort the truth here, to make TBS (and thereby G.L. Bull) seem disproportionately incompetent? I cannot understand Mr. Kleinpell's blatant attempt to curry favor with NLS. This makes good business sense perhaps, but from all other standpoints—past loyalties, fair representation of the truth, and having the guts to stand up and be counted—what is said (and positively more important what is not said) in his letter seems to me to shed a good deal of light on Mr. Kleinpell's priorities.]

KLEINPELL LETTER: To get right to the point and to the bottom line of the whole bid scenario for 1985 TBS, Inc. just simply priced itself out of the market. [Bull's comment: In terms of price yes, I agree, this is clearly stated in my letter.] KLEINPELL LETTER:

The high bid was a calculated, carefully thought out process that in the end entailed a lot of risk. It was not created by omission or carelessness. [Bull's comment: Is this an unexpected compliment I wonder?] KLEINPELL LETTER: Unfortunately, besides the high bid, there were other problems TBS created for itself.

First; TBS, in the initial bid opportunity, failed to submit to the NLS a copy of our sample work that met the new specifications. Despite the fact that the initial 1985 book bid had to be canceled because "there were no responsive bidders", an obligation we did not meet. [Bull's comment: This was true of all Braille producers who submitted bids, and this is clearly stated in my letter in paragraph eight.]

KLEINPELL LETTER: Second; when TBS, Inc. submitted its bid, it failed to quote a price in all the categories for quantities of books. [Bull's comment: This point has already been covered in my comments on Guy Carbonneau's letter—see also my original letter, paragraph fourteen.]

KLEINPELL LETTER: Third; TBS, Inc. did not properly prepare for the ten percent preference given to nonprofit entities when quoting higher prices. [Bull's comment: I do not understand the inference here—we were fully aware of the ten percent differential and its implications.]

KLEINPELL LETTER: Fourth; when TBS, Inc. bid on the book contract for a second time, it still did not submit a sample copy of work that met the new specifications and repeated problems two and three above in this bid as well. [Bull's comment: Need I say more here than to point out that the question of

unsatisfactory samples was described in my first letter paragraph eight, which pointed out that samples from all Braille producers were defective.]

KLEINPELL LETTER: When we were notified of the fact that we had lost the book contract, I requested a formal briefing. This request was honored and I ended up having two lengthy meetings in Washington, D.C. The first meeting was attended by Mr. Bull, Mr. Guy Carbonneau, and myself. The second trip I took alone. In both meetings, the NLS could not have been more open or professional in their answers to our questions. I feel confident that nothing was kept from our eyes. We reviewed everything from the Production Capacity Models to the sample books other Braille producers had submitted. In the final analysis, and after both meetings, I feel that no unfairness or injustice was directed at TBS, Inc. [Bull's comment: Yes, meetings were held in Washington, and I do not think (and I have never said) that any unfairness was specifically directed at TBS, Inc. In my January letter I hinted that perhaps there had been some bad judgments that may have affected most if not all Braille producers. Since this letter and Guy Carbonneau's letter obsessively seek to discredit my name and refuse to countenance the cautious way in which I discussed this whole subject in my January letter, it is now time to disclose my findings during my trip to Washington—this I will do shortly.]

KLEINPELL LETTER: No, I am not happy about losing the 1985 book contract, but to infer or conject that it was because of anything other than what TBS did to itself would not be correct. The facts of this whole issue are quite clear and

simple. [Bull's comment: They are no longer clear and simple, and however we "conject" they are now unlikely to remain clear and simple.]

I have no further comments on the remainder of Mr. Kleinpell's letter, which is irrelevant to the main issues—I have therefore not reproduced the final paragraphs for comment.]

I feel that any further comments on these two letters would be superfluous. Since these two writers are not astute enough to recognize discretion, they deserve the discomfort of disclosure. Let me go on therefore to the main issues that I am now forced to unveil: i.e. the reasons for my writing "in my view NLS left itself open to criticism...", and the causes of my unease at the outcome of the 1985 book contract. Mr. Kleinpell was fully aware of all of the following, and Guy Carbonneau had every opportunity to "look before he leaped".

On November 30, 1984, the day after TBS learned that its short-term future had been disrupted by having received no books in the 1985 book contract, Guy Carbonneau, Art Kleinpell, and I went to Washington for a briefing with Mr. Kurt Cylke and his staff. Our hosts were courteous and open with us.

My personal objectives in going to Washington were twofold: Firstly, I was not happy when the first round of bids were rejected on a technicality and I was confident that I would be able to find similar problems with the second round of bids; secondly, I wanted an opportunity to assess the stated resources of a Braille producer who was scheduled to become a giant overnight.

At the close of the meeting with NLS

staff, TBS' representatives asked for the opportunity to inspect book samples submitted by all producers, and the Production Capacity Model (PCM) submitted by Associated Services for the Blind (ASB). This permission was graciously granted.

As anticipated we found specifically shortcomings in all book samples, and we brought this to the attention of Mr. Cylke. On examining the PCM I was astounded at its contents, and we requested through Mr. Cylke that all PCM's submitted by producers be reviewed. To his credit Mr. Cylke initiated an independent review of the fiscal 1985 Braille book IFB under the direction of Mr. Henry Paris. Before departing from Washington TBS was invited to return to Washington on the following Friday, December 6, to hear the review's findings.

On December 4, Mr. Kleinpell informed me that he would go to the December 6 meeting alone. I informed him that I thought this would be unwise since the meeting by necessity would be a detailed one, particularly in view of our findings regarding the ASB PCM. He insisted however that he would go alone, and therefore, since he was not at that time familiar with operational statistical detail, I sent him the following memorandum so that he would be better equipped to deal with the questions that the memorandum raises. (Since this memorandum was originally designed for internal use only, I have modified a few of the numbers, but otherwise it is reproduced here in full.)

MEMORANDUM

Subject: Production Capacity Model

for Associated Services for the Blind

To: Art Kleinpell

Date: December 6, 1984

As you are aware, I had a brief opportunity last Friday to take a few notes whilst examining the Associated Services for the Blind (ASB) Production Capacity Model (PCM). Using this information, I attach a chart hereto which directly compares the statistics on the ASB PCM with my own estimate of what can realistically be achieved with the equipment and staff numbers stated on the ASB PCM. In most cases my estimates are optimistic.

The comparison displays major differences, and I am prepared to justify/defend my comparison analysis either in theory or in practice anywhere, anytime, since my analysis is based on having actually produced the equivalent of 200 books during the last 12 months. ASB's stated capacity for Data Entry and Proofreading is completely unrealistic, and Pressroom and Bindery capacity is expressed more in terms of the ability to produce several hundred copies of magazines rather than the capacity for producing 66 copies of press-bound books—the requirement for these two situations are extremely different. ASB's capacity in all of these areas is overstated as much as 2, 5, or 7 times.

The foregoing raises the following issues in my mind:

1. ASB would seem to be too inexperienced to submit an accurate PCM for book production, therefore their ability to produce Braille books in large quantity must be questioned in terms of experience as well as current staff numbers.

2. The PCM indicates that ASB has no other work at this time since they have allocated 100% of their resources to NLS book work—I find this astonishing.

3. In my view, if ASB has no other work at this time and they propose to produce 200 titles under IFB 85-001, they will need to immediately increase their Data Entry staff by two (preferably three), their Proofreading staff by three, and to consider the problems of having at least nine staff surplus to their needs in the bindery.

4. Based on the PCM submitted by ASB, ASB bid on 250 books and NLS awarded them 200. This PCM contains inaccurate information, it should not have been submitted in this form, and it most certainly should not have been approved. We must therefore challenge the allocation of books awarded under IFB 85-001.

Further investigation into ASB's bid package and into documents submitted by other bidders will be necessary if we are to pursue this matter.

PRODUCTION CAPACITY MODEL

The following figures compare data from ASB's Production Capacity Model with Geoffrey Bull's estimates of ASB's production capacity. The listing gives the production stage, followed by the number of employees engaged in that stage (shown in parentheses), followed by the number of pages per hour per employee, followed by the annual capacity in pages:

ASB's Figures: Data Entry (6) — 13 —
120,000 pages annually
Bull's Estimates: Data Entry (6) — 7
— 65,000 pages annually
ASB's Figures: Proofreading (5) — 28

— 107,000 pages annually
 Bull's Estimates: Proofreading (5) —
 16 — 62,000 pages annually
 ASB's Figures: Plate Embossing (1) —
 60—105,000 pages annually
 Bull's Estimates: Plate Embossing (1)
 — 50 — 88,000 pages annually
 ASB's Figures: Press (Heidleberg) (4)
 —12,000 — 72,000,000 pages annually
 Bull's Estimates: Press (Heidleberg) (4)
 — 1,720 — 10,400,000 pages annually
 ASB's Figures: Press (Thompson) (1) —
 3,600 — 5,500,000 pages annually
 Bull's Estimates: Press (Thompson) (1)
 — 2,100 — 3,200,000 pages annually
 ASB's Figures: Collating (7) — 1,500
 —64,000,000 pages annually
 Bull's Estimates: Collating (7) —
 1,800 — 76,000,000 pages annually
 ASB's Figures: Binding (4) — 50 —
 61,000,000 pages annually
 Bull's Estimates: Binding (4) — 10 —
 12,000,000 pages annually
 ASB's Figures: Shipping (2) — 120 —
 73,000,000 pages annually
 Bull's Estimates: Shipping (2) — 75
 — 46,000,000 pages annually

Dr. Jernigan, I repeat that the figures entered on the ASB PCM are astounding!! I have not seen Production Capacity Models submitted by other Braille producers but I would indeed be very surprised if their figures did not closely resemble my own. ASB's capacity is misrepresented in a number of areas, and NLS should not have accepted these figures as major criteria in determining the allocation of its 1985 book contract.

Mr. Kleinpell attended the December 6 meeting alone—a point at which I think he usurped many of my responsibilities. Mr. Paris's report was presented at the

meeting, revealing indeed that the samples from all book producers did not meet specifications, and some (mostly minor) comments were made about the Production Capacity Models. The exception here being that the report suggested that the capacity for ASB might be 143 titles based on reassessment of the proofreading capacity.

The reports findings were noted, but basically ignored. The bid was allowed to stand although all samples were defective; and ASB's allocation of books was allowed to remain at 200. It is remarkable that both Production Control Section at NLS and a special review body should accept the ASB PCM as "reasonable".

Mr. Kleinpell returned from the meeting undecided as to what further steps we should take. With the passage of time, he increasingly became of the opinion that matters should be allowed to rest, and I somewhat reluctantly went along with this. Then your letter arrived, Dr. Jernigan, and against a background of which you are now more fully aware, I hope you will agree that in replying to your letter I struck a reasonable balance between truth and discretion. Would that others had recognized this.

Closing Remarks

The most regrettable aspect of this whole scenario is the PCM submitted by ASB. The fact that the majority of the 1985 press Braille book contract has been awarded to a Braille producer who submitted such a questionable PCM reflects poorly on the Braille production field. More so, the fact that this PCM was accepted, not once but by two sepa-

rate review groups within NLS makes a mockery of the monitoring process which helps to determine federally funded Braille book contract allocations. Just to highlight how outrageous are the statistics submitted on the ASB PCM, using their performance criteria I have calculated that they claim to be able to produce 200 titles in one year with 4.5 data entry staff; 4 proofreaders; 1 press operator working only two days a week; and 1 person working in the bindery working 1 hour's overtime per week—other Braille producers would give their right arm for anything approaching that ability! Meanwhile, of course, in reality ASB will be seeking urgently for staff over and beyond those listed on their PCM. What madness that the successful completion of the 1985 book contract will depend on large part upon a lot of hard work, and a great deal of luck from one heavily over-committed Braille producer.

Have I said enough I wonder to remove doubts from the minds of those that thought I was over-critical in my references to NLS and in particular by suggesting that they "left themselves open to criticism?" Rather, Dr. Jernigan, would you not agree that considering the facts to hand I answered your December letter with caution and diplomacy almost to a fault?

In closing I would like to make six comments:

1) After reviewing my letter dated January 18th many times, I stand by its contents. The only very minor modification I might make is to declare that I am not certain whether ASB submitted a

bid on the first occasion. My letter implies they did not, but this is here-say, and I am making an assumption.

2) I stand firmly behind the memorandum that I sent to Mr. Kleinpell on December 6, and with the minor changes already made, I am prepared to defend its contents in public debate.

3) I feel that Kurt Cylke has acted professionally throughout, but that he has been ill-served by his staff in this matter.

4) With a copy of this letter—that must now go to Mr. Ben Holmes at ASB—I will send a cover letter attempting to explain my reluctance at having to discuss ASB's affairs in this way.

5) I shall not be entering into further correspondence re the rights and wrongs of this matter. If there is more to be said then I will join any gathering called for that purpose—given that my unemployed status will provide for such.

6) Through this letter, Dr. Jernigan, I formally apply to become a member of the National Federation of the Blind. Having lost my employment and having had my reputation threatened, I seek the advice of yourself and your organization as to what steps (if any) should be taken at this time.

Yours very truly,
Geoffrey L. Bull

cc: Guy Carboneau
Kurt Cylke
Ben Holmes
Art Kleinpell

YOUR LIBRARY SERVICE, WHAT IT COSTS: SOME LITTLE KNOWN FACTS ABOUT BIDS AND PRODUCERS

by James Gashel

The Library of Congress, National Library Service for the Blind and Physically Handicapped (NLS) is the largest single buyer of Braille and recorded materials for the blind in the nation. The list includes Braille books, Braille magazines, print-Braille (children's) books, books on flexible disc, magazines on flexible disc, cassette books and magazines, and rigid disc books.

The names of the producers appear on each publication. The familiar ones to most library users are the American Foundation for the Blind (AFB) and the American Printing House for the Blind (APH). In times past, AFB and APH cornered the market. But times change. Would you believe that APH produced less than half of the new Braille books that NLS added to the collection in 1984? It's true—and for 1985, too. Would you believe that APH is not producing any of twenty-four Braille magazines that NLS is buying this year? That, too, is true. But last year APH did four of twenty-four of the regular circulation Braille magazines. Times change.

Triformation Braille Services, located in Stuart, Florida, is one of the newer Braille producers. It Brailled 215 new titles for NLS for 1984, compared to 120 produced by APH. But this year Triformation's bid to do Braille books for NLS was not chosen. The big winner was Associated Services for the Blind (ASB) of Philadelphia. ASB will do 200 new

Braille books for NLS for 1985 for a total price of \$789,063. The figures show that APH would likely charge \$954,766.23 for the same amount of work.

Recent bids for Brailling magazines show a marked difference among the producers. For instance, APH said it would Braille Fortune magazine and charge \$18.61 a copy for doing it. But National Braille Press (NBP) in Boston will do the same job for \$7.73 a copy. ASB would do Fortune for \$8.90 a copy, and Cloverbrook Printing House for the Blind (CPH) quoted \$10.12 a copy. These four producers are the only current competitors for NLS Braille magazine contracts. Their bids for Playboy magazine, for example, show a pattern similar to the Fortune quotations. APH, \$14.04; ASB, \$8.11; CPH, \$7.92; and NBP, \$8.63.

There are some interesting facts about sound recordings, too. The producers of these materials include APH, AFB, Magnetix Disc Corporation, Eva-Tone Sound-sheets, and Tin Man Enterprises. Magnetix, Eva-Tone, and Tin Man are for-profit companies. APH and AFB are not-for-profit, blindness related charities. But an examination of their bids for NLS recording contracts would make you wonder who is out to make a profit and at what price. For instance, on making master tapes for cassette books (known as "intermasters") both APH and AFB are higher than any of the other competi-

tors. AFB is the highest at \$14.95 per intermaster, regardless of quantity, from 150 to 6,000. But Magnetix (for-profit) gives a quantity discount, reaching a low of \$9.50 each for 6,000 intermasters produced. Tin Man Enterprises (also for-profit) beats that with its bid of \$8.50 regardless of quantity.

On cassette tape duplication, again the price picture is similar. Magnetix beats the pack with a low of \$.95 for up to 1,000,000 tapes duplicated. But APH will charge \$1.22 each for the same 1,000,000 tapes. AFB's price is \$1.175 regardless of quantity. But both Eva-Tone and Tin-Man beat that by more than \$.11 per tape. Under the circumstances, one wonders why the Library of Congress would buy any materials from AFB or APH.

Actually they still corner the market on rigid disc books. Some of these are new copies of old books already once recorded by AFB or APH. In recent times (during the last two years we analyzed) NLS has split buying of rigid disc books down the middle, giving half the business (125 titles each) to AFB and to APH respectively. Each is paid approximately half of \$1,820,000 that NLS will spend on rigid disc books for 1985. That seems to be a comfortable, easy-going arrangement—but far less competitive than price wars with the for-profit recording companies. It is hard to imagine that the two giants (AFB and APH) cannot undercut these small by comparison recording studios who are just doing business to make a buck. But the non-profit giants charge higher prices for the same work almost every time.

It's nice to know there is competition for the federal dollar even at NLS.

Competition helps hold prices down. Just think what would happen if AFB and APH still had the market all to themselves. For one thing, we would get fewer books and magazines than are now available from a wider variety of producers. And as taxpayers we would likely pay more for the fewer publications we would get.

APH receives a straight government subsidy each year, currently running at \$5.5 million for the 1985 federal fiscal year. It goes to produce educational materials for schools. But \$5.5 million should also cover a lot of the overhead costs of running APH and of keeping the presses rolling. AFB, too, gets government grants regularly. It also gets millions in charitable giving and has an endowment approaching \$30 million in reserve. This may be a layman's point of view, but facts are facts. If the American Foundation for the Blind and the American Printing House for the Blind wanted to expand significantly the amount and variety of reading matter available to blind people in Braille and recorded forms, they could do so and probably at less cost than anyone else. It would certainly fulfill a worthwhile objective for each institution and be a meaningful service to the blind. Meanwhile, it appears that competition among an expanding number of suppliers may bring the best cost-relief of all.

Here are more details in a summary of recent National Library Service bids and contracts. In considering the details of the charts that follow it should be kept in mind that the National Library Service gives preference to non-profit organizations in the letting of contracts. Specifically, if a non-profit organization does not bid more than ten

percent higher than a profit making corporation, the contract is awarded to the non-profit group. This has special significance with respect to the contracts for production of Braille books since Triformation Braille Service is a for-profit organization while the other producers which submitted bids for the 1985 Braille contracts are not.

SUMMARY OF RECENT NLS BIDS AND CONTRACTS

BIDS ON BRAILLE BOOKS FISCAL YEAR 1985

(Note: Costs are stated in cents per page.)

Associated Services for the Blind of Philadelphia: \$.16, between 12 and 120 titles; \$.155, between 120 and 200 titles; \$.1389, between 200 and 250 titles; \$.135, between 250 and 300 titles.

American Printing House for the Blind: \$.197, between 12 and 60 titles; \$.192; between 60 and 90 titles; \$.182, between 90 and 120 titles; \$.178, between 120 and 200 titles; \$.177, between 200 and 300 titles; \$.182, between 300 and 350 titles.

National Braille Press: \$.175, between 12 and 15 titles.

Triformation Braille Services: \$.167, between 200 and 250 titles; and \$.164, between 250 and 300 titles.

CONTRACT AWARDS FOR BRAILLE BOOKS FISCAL YEAR 1984 & FISCAL YEAR 1985

(Note: The information below shows each producer of Braille books, the

number of titles produced, and the total contract award for each fiscal year.)

American Printing House for the Blind: fiscal year 1984, 120 titles, \$700,847; fiscal year 1985, 138 titles, \$697,617.

Associated Services for the Blind: fiscal year 1984, 15 titles, \$79,642; fiscal year 1985, 200 titles, \$789,063.

National Braille Press: fiscal year 1984, not a contractor; fiscal year 1985, 12 titles, \$59,640.

Triformation Braille Services: fiscal year 1984, 215 titles, \$998,839; fiscal year 1985, no titles.

BIDS ON BRAILLE MAGAZINES FISCAL YEAR 1985

(Note: Costs are stated by price per copy of magazine produced. The list includes all bids on selected NLS purchased Braille magazines. The bid samples are representative of other price quotations not included in this list.)

Better Homes and Gardens American Printing House for the Blind, \$7.34; Associated Services for the Blind, \$4.90; Clovernook Printing House for the Blind, \$4.74; National Braille Press, \$5.00.

Children's Digest American Printing House for the Blind, \$1.88; Associated Services for the Blind, \$2.23; Clovernook Printing House for the Blind, \$2.15; National Braille Press, \$2.55.

Consumers Research American Printing House for the Blind, \$3.35; Associated Services for the Blind, \$3.48; Clovernook Printing House for the Blind, \$3.18; National Braille Press, \$4.03.

Fortune Magazine American Printing House for the Blind, \$18.61; Associated Services for the Blind, \$8.90; Clover-

nook Printing House for the Blind, \$10.12; National Braille Press, \$7.73.

Health Magazine American Printing House for the Blind, \$3.94; Associated Services for the Blind, \$3.02; Clovernook Printing House for the Blind, \$2.71; National Braille Press, \$2.86.

Horizon American Printing House for the Blind, \$4.90; Associated Services for the Blind, \$5.05; Clovernook Printing House for the Blind, \$6.65; National Braille Press, \$6.54.

Isaac Asimov American Printing House for the Blind, \$16.72; Associated Services for the Blind, \$8.03; Clovernook Printing House for the Blind, \$9.09; National Braille Press, \$8.74.

Ladies Home Journal American Printing House for the Blind, \$8.40; Associated Services for the Blind, \$4.80; Clovernook Printing House for the Blind, \$5.03; National Braille Press, \$5.69.

National Geographic American Printing House for the Blind, \$6.30; Associated Services for the Blind, \$3.60; Clovernook Printing House for the Blind, \$3.78; National Braille Press, \$3.87.

Playboy American Printing House for the Blind, \$14.04; Associated Services for the Blind, \$8.11; Clovernook Printing House for the Blind, \$7.92; National Braille Press, \$8.63.

CONTRACT AWARDS FOR
BRAILLE MAGAZINES
FISCAL YEAR 1984
& FISCAL YEAR 1985

(Note: The information below shows each producer of Braille magazines, the number of magazines produced, and the total contract award for each fiscal year.)

American Printing House for the Blind:

fiscal year 1984, 4 magazines, \$96,846; fiscal year 1985, not an NLS contractor for Braille magazines.

Associated Services for the Blind: fiscal year 1984, 3 magazines, \$146,239; fiscal year 1985, not an NLS contractor for Braille magazines.

Clovernook Printing House for the Blind: fiscal year 1984, 14 magazines, \$1,066,794; fiscal year 1985, 21 magazines, \$1,120,270.

National Braille Press: fiscal year 1984, 3 magazines, \$186,743; fiscal year 1985, 3 magazines, \$218,886.

BIDS ON FLEXIBLE DISC BOOKS
FISCAL YEAR 1985

(Note: Price quotations are shown for two recording lengths, 88 minute full track and price per minute partial track.)

Eva-Tone Soundsheets: Between 10 and 50 titles, \$292.50 (full track); \$3.33 (price per minute partial track). Between 50 and 75 titles, \$252.50 (full track); \$2.87 (price per minute partial track). Between 75 and 100 titles, \$245.50 (full track); \$2.79 (price per minute partial track). 100 titles, \$240.00, (full track); \$2.73 (price per minute partial track).

Magnetix Disc Corporation: Between 10 and 50 titles (full track) \$250.00; \$3.00 (price per minute per partial track).

CONTRACT AWARDS FOR
FLEXIBLE DISC BOOKS
FISCAL YEAR 1984
& FISCAL YEAR 1985

(Note: The information below shows each producer of flexible disc books,

the number of books produced, and the total contract award for each fiscal year.)

Eva-Tone Soundsheets: fiscal year 1984, 100 titles, \$1,250,000; fiscal year 1985, 100 titles, \$1,210,000.

Magnetix Disc Corporation: fiscal year 1984, not an NLS contractor for flexible disc books; fiscal year 1985, 10 titles, \$121,000.

BIDS ON FLEXIBLE DISC MAGAZINES FISCAL YEAR 1985

(Note: Costs are stated by price per copy of magazine produced. The list includes all bids on selected NLS purchased flexible disc magazines. The bid samples are representative of other price quotations not included in this list.)

Atlantic Monthly American Printing House for the Blind, no bid; Eva-Tone Soundsheets, \$ 1.159.

Changing Times American Printing House for the Blind, \$.728; Eva-Tone Soundsheets; \$.717.

Children's Magazine Program American Printing House for the Blind, \$.630; Eva-Tone Soundsheets, \$.636.

Consumer Reports American Printing House for the Blind, no bid; Eva-Tone Soundsheets, \$1.236.

Ellery Queen Mystery Magazine American Printing House for the Blind, \$.928; Eva-Tone Soundsheets, \$.915.

National Geographic American Printing House for the Blind, \$.666; Eva-Tone Soundsheets, \$.627.

National Review American Printing House for the Blind, no bid; Eva-Tone Soundsheets, \$1.13.

Natural History American Printing House for the Blind, \$.620 Eva-Tone

Soundsheets, \$.646.

New York Times American Printing House for the Blind, no bid; Eva-Tone Soundsheets, \$.378.

Sports Illustrated American Printing House for the Blind, no bid; Eva-Tone Soundsheets, \$.586.

CONTRACT AWARDS FOR FLEXIBLE DISC MAGAZINES FISCAL YEAR 1984 & FISCAL YEAR 1985

(Note: The information below shows each producer of flexible disc magazines, the number of magazines produced, and the total contract award for each fiscal year.)

American Printing House for the Blind: fiscal year 1984, not a contractor for flexible disc magazines; fiscal year 1985, 1 magazine, \$133,000.

Eva-Tone Soundsheets: fiscal year 1984, 34 magazines, \$4,400,000; fiscal year 1985, 33 magazines, \$3,564,000.

BIDS ON CASSETTE BOOK PRODUCTION FISCAL YEAR 1985

(Note: Bids submitted for cassette production are of two types: (1) production of master tapes to be duplicated (called intermasters), and (2) actual duplication of each cassette tape. Each type of bid will be shown for each potential supplier. Costs are quoted per number of intermasters and number of duplications.)

Magnetix Disc Corporation: Inter-masters, \$12.00, between 150 and 1,200; \$10.00, between 1,200 and 4,200; \$9.50, between 4,200 and 6,000. Duplication, \$1.04, between 25,000 and 200,000; \$.99,

between 200,000 and 600,000; \$.95, between 600,000 and 1,000,000.

Tin Man Enterprises: Intermasters, \$8.50, between 150 and 6,000. Duplication, \$1.05, between 25,000 and 1,000,000.

American Printing House for the Blind: Intermasters, \$12.85, between 150 and 6,000. Duplication, \$1.22, between 25,000 and 1,000,000.

American Foundation for the Blind: Intermasters, \$14.95, between 150 and 6,000. Duplication, \$1.175, between 25,000 and 1,000,000.

Eva-Tone Soundsheets: Intermasters, \$10.00, between 150 and 1,200. Duplication, \$1.05, between 25,000 and 200,000.

Cutting Studio: Intermasters, \$13.00, between 150 and 600. Duplication, \$1.14, between 25,000 and 300,000.

CONTRACT AWARDS FOR
CASSETTE BOOKS
FISCAL YEAR 1984
& FISCAL YEAR 1985

(Note: The information below shows the producers of cassette tape books, the number of titles produced, and the total contract award for each fiscal year. Only those contractors who both record and duplicate cassettes are included.)

American Foundation for the Blind: fiscal year 1984, 400 titles, \$1,837,600; fiscal year 1985, 345 titles, \$731,952.

American Printing House for the Blind: fiscal year 1984, 365 titles, \$1,669,510; fiscal year 1985, 420 titles, \$2,000,000.

TOTAL PAYMENTS
TO CONTRACTORS BY NLS
FISCAL YEAR 1984
& FISCAL YEAR 1985

American Foundation for the Blind: fiscal year 1984, \$3,093,512; fiscal year 1985, \$1,631,952.

American Printing House for the Blind: fiscal year 1984, \$3,404,697; fiscal year 1985, \$3,750,617.

Associated Services for the Blind: fiscal year 1984, \$225,881; fiscal year 1985, \$789,063.

Clovernook Printing House for the Blind: fiscal year 1984, \$1,066,794; fiscal year 1985, \$1,120,270.

Eva-Tone Soundsheets: fiscal year 1984, \$5,650,000; fiscal year 1985, \$4,774,000.

Magnetix Disc Corporation: fiscal year 1984, \$724,000; fiscal year 1985, no current contracts.

National Braille Press: fiscal year 1984, \$186,743; fiscal year 1985, \$218,886.

Tin Man Enterprises: fiscal year 1984, \$294,000; fiscal year 1985, no current contracts.

Triformation Braille Services: fiscal year 1984, \$998,839; fiscal year 1985, no current contracts.

BLIND PARENTS AND THE COURTS

Some of the actions of the National Federation of the Blind are confrontational and dramatic, occurring in the glare of cameras and headlines. Others are equally effective but less spectacular.

Recently, for instance, a blind man living in the state of Washington was denied custody of his children by a court in San Diego, California. His blindness was cited as the reason. He contacted the National Office of the Federation. The National Federation of the Blind of California collected affidavits and made representations to the court. The case has now been satisfactorily settled, and the blind man has custody of his daughter. It is expected that he will soon be given custody of his son as well.

It is that simple and that compelling, but how did it happen? If the National Federation of the Blind had not produced informational radio and television spots, had not written and distributed to the general public vast amounts of educational material through the years, and had not on a continuing basis sought to raise the consciousness of the sighted and the blind alike, the blind parent might never have learned of us and might not have thought it worthwhile contacting us if he had. Moreover, if we had not laid the groundwork during the past several decades and brought about changes in the climate of public opinion, the custody case might never have been brought in the first place. This is true regardless of whether the

principal participants have ever even heard of the Federation. There are other background elements which were equally essential to the unspectacular but successful resolution of the case. What if we had never built our state organizations and developed the habit of coordinating efforts and exchanging information? If we had not had a National Office, there would have been no National Office to contact. If Dr. tenBroek had not built wisely and well, his son would probably not have come forward; and if Nancy Smalley had not learned and lived her Federationism for the major part of her adult life, it is hard to know whether her boy would have been contacted and what he might have said. If Sharon Gold and the other members of the NFB of California had not worked day in and day out to strengthen the movement, what real likelihood is there that a trained lawyer would have been available to collect and present the evidence? If individual blind persons throughout the country had not regularly contributed to PAC and done other things to raise money, what are the odds that we could have paid the costs for phone calls and letters and lawyers?

What if— But we did. When we did our work as Federationists in 1943, 1953, 1963, 1973, and 1983, we were preparing to protect the rights of a blind parent in the San Diego courts in 1984. So it is today, and there is no way to overemphasize its importance or remind ourselves too often. By the

preparations we make today we decide the outcome of the battles of the decades ahead. Our struggle for freedom is long-term and deliberate. It will determine the quality of life not only for the blind of this generation but also the next and the next. The difference between the first-class status we seek and the second-class treatment we too often receive can be told in a name—the National Federation of the Blind:

Sacramento, California
February 25, 1985

Dear Dr. Jernigan:

In September, 1984, Jim Gashel advised me of a telephone call he received from Jim Tucker, a blind man currently living in Washington State. Mr. Tucker reported that he is a blind father seeking custody of his children through the courts in San Diego, California, and that the issue of his blindness was preventing the court from awarding the custody of the children.

Upon investigation I learned that in 1978 following a divorce from his wife, Mr. Tucker sought custody of his children when his wife became unable to care for them. A San Diego judge refused to award Mr. Tucker custody of his children because he was blind, and the judge apparently considered a blind person unable to raise children. Mr. Tucker did not know about the National Federation of the Blind, did not know of his rights, and apparently did not have funds sufficient to seek an appeal. Thus, the children were awarded to the maternal grandmother.

Recently the custody of Mr. Tucker's children again became an issue before the San Diego court, and again the issue of Mr. Tucker's blindness surfaced. I am advised that a social worker involved in the case reported to the court in reference to Mr. Tucker's daughter that were it not that Mr. Tucker is blind, she would recommend immediate placement of the child with her father, Jim Tucker.

At the request of Jim Tucker and his lawyers, the National Federation of the Blind of California filed declarations with the court in an effort to dispose of the concerns over blindness prevailing in the court record. The NFB of California contacted Nick tenBroek, son of Dr. Jacobus tenBroek, a blind father; and Kevin Smalley, son of Nancy Smalley, a blind mother. In the declarations filed on behalf of Mr. Tucker, these children attested to the normality of their upbringing by their blind parents. This was corroborated by Andrew Meisel, attorney for the National Federation of the Blind of California, who filed a declaration of his knowledge of blind parents and their successes in raising children.

Mr. Tucker has advised me that upon the filing of the declarations, the court dispensed with any further reference as to his blindness, and on November 30, 1984, Mr. Tucker was awarded custody of his daughter, and it is expected that he will be awarded custody of his son in the near future.

Cordially,
Sharon Gold
President

National Federation of the Blind
of California

cc: Gary Mackenstadt, President
National Federation of the Blind
of Washington

Declaration of Nick tenBroek

I, NICK tenBROEK, declare:

1. I am a resident of the State of California.

2. I am 32 years of age and have two children, ages two and a half years and five weeks.

3. My father was blind. He and my mother raised three children (I have a brother and a sister). There was hardly any difference between our family and other families. My father would do the same activities with his family as other fathers would do with their families. For example, he built us a swing set, slide, and complete playground in our yard when we were growing up. He supervised and looked after us in much the same way other fathers do.

4. I suffered no disadvantage due to my father's blindness. I never wished my dad was sighted.

5. There is absolutely no reason why a blind father cannot raise a child (or children) as effectively as a sighted father. A blind father would have no more difficulty raising a child who needs special treatment than a sighted father. By the same token, such a child would be at no disadvantage due to a parent's blindness.

6. I urge the Court not to consider Jim Tucker's blindness when determining the custody issue.

I declare under penalty of perjury that the foregoing is true and correct based upon my personal information and belief. If called as a witness in this action, I could and would testify the foregoing is true and correct.

Declaration of Andrew H. Meisel

I, ANDREW H. MEISEL, declare:

1. I am an Attorney at Law, duly licensed to practice law before all courts of the state of California.

2. I have been involved in many cases involving custody of minor children of a blind parent. Through this involvement, I have come to know many blind parents and many children of blind parents.

3. Blind parents are just as capable as sighted parents when it comes to raising a family. The children in such families do not suffer any reduction in the quality of upbringing. Essentially, there is little, if any, difference between a family which includes a blind parent and one which does not.

4. Based on my work in this type of case, I have found that California law prohibits awarding custody to a sighted parent rather than a blind parent, where such award is based on blindness. I urge the Court not to consider Jim Tucker's blindness when deciding the custody issue in this case.

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge and belief. If called as a witness in this action, I could and would testify the foregoing is true and correct.

Executed this 26th day of September, 1984, at San Francisco, California.

Andrew H. Meisel

Nick tenBroek

Declaration of Kevin Smalley

I, KEVIN SMALLEY, declare:

1. I am a resident of the State of California.

2. Presently, I am a student at Burbank High School in Burbank, California. I am fifteen (15) years of age.

3. My mother is blind. She is a single parent and has raised my brother and me since birth. My brother is eighteen (18) years of age.

4. I have experienced no disadvantage due to my mother's blindness. She cared for me, looked after me, and supervised me in much the same way as other mothers.

5. There is no reason why a blind parent should be deprived custody of a

child due to the parent's blindness. A blind parent is as capable as anyone else when it comes to raising a family. The fact that a child may be particularly troublesome, or require special attention, does not hinder the blind parent whatsoever.

6. I urge the Court not to consider Jim Tucker's blindness when determining who should be awarded custody of his children.

I declare under penalty of perjury that the foregoing is true and correct and is based upon my personal knowledge and belief. If called as a witness in this action, I could and would testify the foregoing is true and correct.

Kevin Smalley

INSIDE THE IDAHO COMMISSION FOR THE BLIND: DETERIORATING SERVICE NOW UNFOLDING WHILE NEW RULES CALL FOR EVEN MORE CUTS

by James Gashel

On February 3, 1984, Ramona Walhof was summarily fired as director of the Idaho Commission for the Blind. Some attempted to lay the blame on political rivalry among the blind. But this turned out to be a smoke screen to mask the real motivation behind Mrs. Walhof's dismissal.

Mrs. Walhof had beaten the governor in a battle over demolishing the Commission. Plans were afoot to merge the agency into a giant state department as

part of a reorganization of government. Mrs. Walhof resisted and went to the media. The governor backed down. He denied plans to consolidate the Commission with other agencies. Then came the firing. John Cheadle, Deputy Director of the Commission, was also fired.

Howard Barton, director of the Commission (from the Spring of 1975 until September, 1982) has once again been given the duties of agency head (with the official title of "acting admin-

istrator") after months of wrangling in the courts. Barton resigned without warning in September, 1982. Shortly thereafter, Mrs. Walhof was hired as his replacement.

Barton's style of management might well be termed "hide and seek." His previous performance as director of the Commission was marked by avoidance of responsibility. The governor and other state officials would know this. So, Howard Barton would be a logical choice to replace Mrs. Walhof if the eventual plan is to abolish the agency.

And, true to form, the governor's plan to destroy the agency now seems to be unfolding. Beginning on November 26, 1984, several Idaho newspapers carried a notice of intended rulemaking for the Commission for the Blind, signed by Howard Barton. Of course, no effort was made to inform the blind of the state through any form of special notice to organizations or individuals. Still we learned of the notice.

The substance of the Commission's intended action was truly novel and likely very dangerous. The notice said that federal laws and regulations for vocational rehabilitation services to the disabled would be adopted as state administrative rules for the Commission for the Blind. The Commission has no other administrative rules. So by implication, all programs of the Commission would have to follow federal requirements relating to vocational rehabilitation.

But not all programs of the Idaho Commission for the Blind are strictly vocational rehabilitation. Take for example home teaching services given to someone who is not seeking employment. Unless an employment objective can be

shown, services to improve personal management and self-care in the home cannot be given under the federal vocational rehabilitation program. That's what the federal rules say. To overcome this barrier, commissions for the blind and other separate agencies can give home teaching services by using funds they have other than federal vocational rehabilitation funds or state money necessary to match the federal dollars. By doing so, services for the blind need not be limited to that which can be paid for by vocational rehabilitation.

As an aside, federal vocational rehabilitation funds can sometimes pay for home teaching. But not always. It depends upon the facts in each case. Responsive agencies will organize their spending practices to meet individual needs. To do this, an agency must avoid becoming locked into rigid funding requirements.

Of course, it is true that the federal requirements for using vocational rehabilitation money (including the state money which matches federal funds) must be followed. But federal laws do not control programs or services when they are not paid for with federal or state matching vocational rehabilitation funds. So why would a commission for the blind deliberately make a rule implicitly locking in all of its services to the requirements laid down by the federal vocational rehabilitation law and regulations?

That was the question being asked by the blind of Idaho on January 15, 1985, at a public hearing on the Commission's proposed rule. With this rule (following only federal requirements for vocational rehabilitation, even when not compelled to do so by the federal gov-

ernment) would the Commission begin denying services to anyone not eligible for assistance under the federal program? No one from the Commission would say for sure. All they would say is that the hearing (requested by the National Federation of the Blind) was being held as required by law to hear statements from anyone about the proposed rule. There was plenty to be said. Speaker after speaker predicted the Commission would become rigid and unresponsive if all decisions would have to be made under the federal guidelines.

Furthermore, the Commission had failed to include all of the federal requirements in citing the federal laws and regulations it intended to adopt. Omitted, for example, were the 1984 amendments to the Rehabilitation Act—Public Law 98-221, signed February 22, 1984. Also left out were federal regulations on independent living services and client assistance programs. Federal regulations for the Randolph-Sheppard Program were included, but the Randolph-Sheppard Act, itself, was not.

In addition, even though many significant requirements for vocational rehabilitation are found in a document called the Vocational Rehabilitation Services Manual, it was not included in the Commission's proposed rule. Why these omissions? Some said it was administrative ineptness. Others thought the Commission was deliberately not honoring guidelines that could be helpful to the blind, such as several found in the Vocational Rehabilitation Services Manual.

Whatever the reason, the Idaho Commission for the Blind, now under Howard Barton, is intending to cut services to the blind. That much is clear. Debi

Smith is an example of the trend, and there are several others like her. Debi is blind and unemployed. She has a small child named Kyle. Her husband (Rocky Smith) is also blind. Both get Social Security Disability Insurance.

But despite these facts, Debi Smith has been denied services by the Idaho Commission for the Blind. So has Rocky. Under date of January 15, 1985, (ironically, the same date as the hearing on the Commission's new rules) Debi Smith got the following letter from a Commission supervisor.

Boise, Idaho
January 15, 1985

Dear Mrs. Smith:

At this time the Commission for the Blind is unable to continue with doing anything in regards to your case file until we can document clearly a vocational handicap to employment. As a result of our recent audit, we must have documentation which supports the provision of any service. The Acting Administrator insists on these proper processes being followed so that services can be correctly provided.

Your counselor has discussed this with you and has explained the need for this documentation. It is apparent you understand the need for documentation by your request for this letter.

If you have any questions, please feel free to contact me.

Sincerely,
Edward A. Easterling
Rehabilitation Services Chief
Commission for the Blind

Ed Easterling is the Rehabilitation Services Chief at the Commission. He, too, is part of the new trend. His former job (immediately before coming to the Commission) was with the Division of Vocational Rehabilitation. State officials are even now reviving the plan of consolidating the Commission for the Blind with the Division of Vocational Rehabilitation. According to one report, it could happen within two years. It may be that Ed Easterling was brought on board at the Commission to preside over the transition. Under the circumstances, what difference would it make?

Ed Easterling says he is unable to document that Debi Smith has a vocational handicap. Yet, Debi is blind with only a high school education and no vocational training beyond. She has held two jobs, both of which were obtained with the aid of agencies for the blind. The first one was at the Iowa Commission for the Blind, where she worked as a library assistant for about six months. Debi's second job was operating a telephone switchboard at a bank in Boise. She left that job after being turned down for promotion or transfer to other duties. People at the bank said Debi was not qualified to do anything but operate the switchboard. Due to her blindness, they could not find other duties for her to attempt unless Debi would explain in advance how she could do other work and what accommodations she might need. Now she wants training and employment assistance. This would help her become better qualified and able to prove her skills. But the Idaho

Commission for the Blind under its new management says it won't help because Debi does not have a handicap to employment. I doubt that Congress ever imagined that an agency would so twist and distort the law.

There is plenty of evidence that the decision not to give services to Debi Smith is not an isolated incident. But it shows in personal and human terms how an agency can turn in upon itself and turn its back on the people it is required by law to assist. If Debi Smith, Rocky Smith, and the others who are being denied services cannot qualify for rehabilitation, who can? Very few, if any.

Then the next question will be, why have an agency at all if so few people qualify to be helped by it? Legislators and state finance officers will shake their heads in dismay over the colossal waste of maintaining an agency that helps so few or none. Then we will read the Commission's obituary, and the doors will be locked up tight.

There is little doubt that if events are simply allowed to take their natural course, total destruction is the future of the Idaho Commission for the Blind. The only matter in doubt is how long the agency will linger on its death bed. Should the blind try to save it or help pull the plug? That, too, is in doubt. In the 1960s the blind of Idaho and the nation built the the Idaho Commission for the Blind with dreams that it would one day become a model agency. Those dreams are not lost, but it may be too late to save the agency. Under the circumstances, it is hard to see why anyone would care to do so.

PROTECTION OR PRESUMPTION ACTION BY NCSAB

by Kenneth Jernigan

The National Council of State Agencies for the Blind (NCSAB) is a relatively quiet organization. It customarily holds two meetings a year and makes few headlines. However, on November 14, 1984, NCSAB passed a resolution which is worth noting. It warned producers of aids and appliances that their products were being scrutinized and that they would either measure up or be discussed and "ranked" at the 1985 fall meeting of NCSAB. What a threat! The resolution, along with a mass produced form letter, was sent to the Chief Executive Officers of a number of organizations.

There can be no question as to the desirability of striving for quality in the production and distribution of aids and appliances, but there is considerable question as to NCSAB's right or ability to make it happen. Already there is a widespread feeling among the blind that the state agencies have gone beyond their proper role. If the state agencies can regulate the producers and distributors of aids and appliances, what checks and balances exist to keep them from abusing their power? On the other hand, if they do not do the regulating, is there any other effective means of getting it done? Even if their attempt is proper, will their action be effective? Will the producers be awed or just amused by being "ranked?" Here is the letter and the resolution. Note the tone, as well as the substance.

Incidentally, John Wilson is Director of the Texas State Commission for the blind.

Alexandria, Virginia
February 8, 1985

Dear Chief Executive Officer:

The National Council of State Agencies for the Blind (NCSAB) is composed of chief administrators of public rehabilitation agencies serving blind and visually disabled persons. The agencies represented by these members annually serve approximately 300,000 persons in the United States and Territories.

Your organization has been identified by at least one member agency of NCSAB as a provider of a product(s) used by visually impaired or blind persons. As such, we are forwarding to you a copy of Resolution 84-09 as adopted by the NCSAB membership at its recent fall meeting. This resolution is being sent to all product manufacturers.

In an effort to improve upon the record of quality and services that we have experienced from some manufacturers and/or their representatives, we wish to make all organizations aware of our intent to identify those product manufacturers viewed as providing poor services and/or products at our next fall meeting.

Regardless of your record of service or quality, you are being notified of this survey. We are sure that those of you who provide services and products which are satisfactory will recognize our need to undertake this effort and we encourage you to continue development of products for use by persons who are visually impaired or blind.

Sincerely,
John C. Wilson, President
National Council of State Agencies
for the Blind

RESOLUTION 84-09

WHEREAS, the vocational rehabilitation agencies comprising the membership of the National Council of State Agencies for the Blind are the major purchasers of aids and equipment designed to assist blind and visually impaired persons in employment and in everyday life, and

WHEREAS, the employment of blind

persons often depends upon the availability of quality equipment with few maintenance problems and the manufacturers' cooperation in providing timely repairs, and

WHEREAS, the membership has experienced difficulty ensuring that the equipment fulfills expectations and in obtaining manufacturers' timely assistance in delivery and repair,

NOW THEREFORE BE IT RESOLVED that the membership of the National Council of State Agencies for the Blind, in conference assembled this 14th day of November, 1984, in San Diego, California, insists upon quality aids and equipment and timely service from manufacturers and their representatives.

AND BE IT FURTHER RESOLVED that if such is not forthcoming, the National Council of State Agencies for the Blind shall, at its next fall meeting, formulate a ranking of the quality of services and equipment provided by manufacturers and their representatives that conveys the advisability of purchase from them.

INDEPENDENT MOBILITY AND OTHER MATTERS

by Hazel Staley

(Introductory comments by Kenneth Jernigan: I first became acquainted with Hazel Staley over fifteen years ago. Since that time most Federationists have come to know her. She is one of the most dedicated leaders of our movement. She knows what she thinks,

and she usually says it. Above all, she has integrity.

After reading the January, 1985, Monitor she wrote to Steve Benson to thank him for his article on travel. She sent me a copy of her letter, and I want to share it with Monitor readers.)

Charlotte, North Carolina
February 3, 1985

Dear Mr. Benson:

I am writing to commend you and thank you for your article on travel, which was printed in the January issue of the Braille Monitor. I feel impelled to let you know that it has already helped me tremendously.

From kindergarten through high school I attended the residential school for the blind in North Carolina. During all that time, although it was never stated openly, we were made to feel that blindness was a bad thing and that we should do all we could to cover it up, to pretend that we were just like everybody else. There was one elderly blind professor there who carried a cane. I don't know how much help it was to him in traveling, but he did carry it. I remember hearing some of the teachers making snide remarks about him and tittering among themselves. We got the distinct impression that carrying a cane was a bad thing to do. When you live with that kind of attitude from early childhood to young adulthood, it becomes absorbed into the very fiber of your being. I felt deep down within me that it should not be like that and experienced anger and frustration for years, but didn't know how to express my frustrations or who to express them to.

In August, 1969, Don and Betty Capps came to Charlotte and talked with a group of us about organizing a chapter here of the Federation; also a state affiliate. As I listened to them, I realized that they were saying the very things that I felt—they were answering

the frustrations I had felt through the years. At the close of the meeting I literally ran to the front of the room to place my name on the list of those desiring to join the Federation. I was elected president of our new chapter.

I attended my first national convention in Houston in 1971. I was utterly amazed to see blind people going all over the place without any assistance. Shortly after that I was elected president of our affiliate. One of the first things I did was approach the director of our state agency for the blind and the director of the Department of Human Resources (our state agency is under that department) and request that they employ some mobility instructors. They acted as if they thought I had lost my mind. They said that blind people had no business running around by themselves; that it was dangerous and completely impractical. I continued to try to reason with them. Our sessions became very stormy and finally erupted in open warfare. One morning in December, 1973, I turned on my radio and was shocked to hear that the director of the state agency for the blind had committed suicide. I hope I was not a contributing factor, but, at any rate, his departure was a blessing to the blind of this state. He was succeeded by a blind man who did begin to get a few mobility instructors in. However, by that time we were so far behind (and the state being rather large, too) that we still haven't caught up with the need.

You will recall the discussion we had last summer in Phoenix regarding mobility and orientation skills. I believe that that discussion more than anything else at the whole convention spoke

straight to my need. I talked with Dr. Jernigan about it later. He said that if I could come to the Center, that Mrs. Anderson would teach me to travel. My husband is sighted and for years he had been wonderful about seeing that I got where I needed to go. However, in 1977 he began having heart attacks and has developed other health problems since then and can no longer act as my guide. You just can't imagine the frustration that I have experienced as a result. I plan to go to the Center in April for

instruction. I may never be able to travel as well as some of you; but, by golly, I'm going to give it my best shot. I hope never again to have to wait to go somewhere until it suits somebody else. Even after I planned to go to the Center I felt a little apprehensive. Your article has given me confidence and determination. Thank you again for writing it. Please forgive me for being so longwinded. I felt that I had to let you know how much your article has meant to me.

CANE TRAVEL WORKSHOP

by Christine Roberts

(Note: Christine Roberts is the President of the National Federation of the Blind of Nebraska. Her address is: 1615 Garfield Street, #12, Lincoln, Nebraska 68502.)

The ability to travel competently plays a large part in our independence as blind persons. Yet, this fact is seldom if ever realized by agencies serving the blind today. Consequently, we in the National Federation of the Blind had begun to seek out other sources for this type of training. As usual, the answer lay within our midst. Last year at the national convention in Phoenix, the first cane travel workshop took place, and although one cannot learn all there is to know about successful independent travel in just one day, every little bit helps.

The second annual cane travel workshop will be held on Saturday, June 29, 1985, in Louisville. We will begin at 9:00 a.m. with a discussion and overview of the techniques to be used when traveling with a long white cane. These are not the methods designed by the experts but rather they are the tried and true tools of the trade which blind travelers have found to be the most efficient. During this period there will also be an orientation to our hotel and its surroundings for those who wish. Next, we will break into classes with two or three students per instructor. These classes are divided according to experience, and instructor and student work together in designing appropriate travel routes. For the next two hours these classes will be free to explore the hotel or downtown Louisville or both, depending

on the wishes and needs of the students. Afterward, students have approximately two hours of independent study time during which to practice all of the things they learned in the morning. We shall gather again at the end of the day in order to exchange ideas and suggestions for future workshops and to ask and answer any questions which may arise as a result of the day's travels. This workshop will conclude at 4:00 p.m.

Because of the special nature of this workshop, we ask that those wishing to participate make an effort to devote the entire day to travel training. Persons arriving late are likely to find an

empty room since we will all be out roaming the streets of Louisville. Also, for planning purposes it is extremely helpful if those interested in taking part in this exciting event can contact me prior to the convention. Please drop me a line in print, Braille, or tape stating whether you wish to be a student or an instructor and how much travel experience you have had.

NFB canes can be purchased at the workshop for a cost of \$10. Those wishing to use sleepshades (blindfolds) as a part of their training must provide them or let me know that you need them when you write.

ON THE ROAD TO INDEPENDENCE

by Steve Hastalis

(Note: This article is reprinted from the February, 1985, issue of the newsletter of the National Federation of the Blind of Illinois. Steve Hastalis is Secretary of the Chicago Chapter and Second Vice President of the state affiliate.)

A few months ago I was asked to volunteer my services as a travel instructor with the Guild for the Blind as part of its Full Service Center Program expansion. I knew that I could show blind people how to travel independently, having done so previously. I was excited at the prospect of working with blind people through an agency that has a truly progressive, forward-looking

program.

During the summer and fall of 1984 I worked with two students—a middle-aged lady and an older lady. Both had become blind recently and wished to continue leading active lives with the aid of alternative techniques of blindness. I showed both women the basic cane techniques and took them outside to walk in their respective communities.

After the first lesson one lady took the initiative and walked about two miles and rode the bus in her community. The other lady practiced in and out of her home. During the second lesson both ladies worked on crossing busy streets with traffic lights. Both students did very well. In subsequent lessons I

worked with both ladies on using buses, trains, and escalators so they would have the confidence and skill to travel independently. Their initial nervousness was quickly replaced with a sense of accomplishment. Upon returning from a trip, one student thanked me for showing her how to ride escalators. She told me she had managed very well taking her baggage with her on some fast escalators in the airport. She has since also ridden commuter trains alone.

My other student took a two-and-a-half month break in her instruction while she had surgery to replace an arthritic hip. Following a thorough recovery, lessons resumed and it was obvious she remembered the work we had done previously. She continued to make excellent progress.

When I learned to travel I was taught "pre-cane skills," which involved hold-

ing my hands out in front of me in a most unnatural fashion. When I was given a cane, I was made to endure several hours of indoor instruction. With outdoor travel came an hour of instruction on getting in and out of a car, a full hour of crossing railroad tracks, and two hours of instruction on boarding a bus, paying a fare, and taking a seat.

I knew that such methods of teaching travel were absurd, but I had no real experience with which to challenge them. Now I do. I showed my students how blind people travel in the real world, the way I travel every day, and, of course, it worked. I look forward to helping more blind people make their ways confidently and competently along the road to independence. I also look forward to the time when students I have taught will, in turn, teach other blind people to do the same.

REHABILITATION NOT JUST A MATTER OF APPROPRIATIONS

The relationship of the state rehabilitation agency to the individual blind person is much more complex than many people think or say. Some (especially, the top management of the agencies) oversimplify it. They insist, in effect, that there are only two schools of thought concerning agencies and that all of us must necessarily belong to one or the other—no complexity, no mixed reactions. We must, according to this view, either be in favor of more money for the agencies,

more staff, and service to people—or smaller appropriations, reduced staff, and no service to people. But this is not the way it is. This is not the way we as blind people experience it in our daily lives.

More money for the agencies does not necessarily mean more or better service to blind people. In fact, it sometimes means less. As the agency payroll increases, there is a tendency for the members of the staff to turn inward—to talk to each other, to hold conversa-

tions and conferences among themselves, and to write memos and do paperwork. This can mean fewer actual contacts with blind clients and decreasing focus on their problems. As the agency grows in size, there is more and more emphasis (although not stated and overt) on preserving and perpetuating the structure and the program, and less on giving service to the people the agency was established to benefit in the first place. When looked at from this point of view, it is not hard to understand why a growing number of blind persons say that if there is no real hope for reform, they are not certain that the blind would not be better off with no rehabilitation agencies at all.

When this proposition is advanced, there is usually a shocked silence. Then, in hushed and horrified tones these questions are asked: 1) If there were no agencies, where would the blind go for training? To which the answer comes in the form of another question: Where can they go now? 2) If there were no agencies, how could the blind get help? To which one replies: How can they get it now?

With all of this in mind perhaps the following letter is particularly worthy of study. Ron Chilton is a regional supervisor for the Texas State Commission for the Blind, which is one of the largest and best financed agencies in the nation. The Texas Commission receives millions of dollars from the federal government and bountiful appropriations from the state legislature. Some of this money does, indeed, go to improve the quality of life for blind people, but some of it does not. The same can doubtless be said of all of the other state agencies in the country. Is

the percentage of the budget of these agencies which is actually helping the blind increasing or decreasing? What can we as blind people do to up the odds? The legislators and the members of the public believe that they are meeting our needs by giving money to the agencies. To the extent that this belief is unfounded all of us suffer and are shortchanged. Moreover, the public and the governmental officials (thinking that they have already given us assistance) are likely to give a less favorable hearing to our requests for help on other issues in direct proportion to the amount of money and attention they are giving to the state agency. This might be tolerable if the agencies were doing what they claim and what the public believes, but when they are doing very little, we get the little end of the stick both ways.

If Lola Pace were not a member of the National Federation of the Blind, she probably would never have written her letter—but she is, and she did. Whatever else she may be, she is not docile. She keeps herself informed and believes that she has rights. To some this means that she is "uppity" and militant. To an increasing number of us it means something else entirely. It means that she, along with tens of thousands of other blind people, is coming to believe that she can be a first-class citizen, and that she has the right to be one. She also believes that the actions of the state agency established to give service to her and other blind persons should make sense and be reasonable:

Iowa Park, Texas

October 20, 1984

Dear Mr. Chilton:

I am writing in regard to the typewriter which was issued to me by the State Commission for the Blind.

You had asked that it be delivered to me in the fall of 1982. However, due to neglect and procrastination on the part of my counselor, Mr. C. A. King, Jr., it did not arrive until early in 1983. At that time I was unemployed. The purpose, as I understand it, was to give me an opportunity to develop better typing skills and possibly some computer skills.

After receiving the typewriter, I was assisted by George West in getting some typing tapes from the state library. I worked on those alone and did improve some.

Later, in April I believe, Mr. King took me on a job interview with a local newspaper. It was to work as a correspondent for Iowa Park. The newspaper is located in Wichita Falls and covers many smaller towns surrounding that city. I did that for almost a year. It did not pay much of anything, but I loved it. It gave me the chance to really put my typing to work and to meet people whom I probably would not have been able to otherwise. Even now, the newspaper's regional editor has given me permission to write for them anytime I can and want to. I still do from time to time when I can. I turned in one story last week and two the week before.

In March of this year, as you know, I took a position with Civil Service at Sheppard Air Force Base. It is full-time, but at this time I am not required to type there. However, many nights at home I type some things which are help-

ful to me on the job, such as telephone numbers for a file that I maintain for work. I have also been given permission to bring the typewriter to work and use it if I want and if I have time. In other words, I am trying to do as good a job as I possibly can, and now you want to stop that. Why are just the good things put into your reports and not all the things you start and then stop them just about the time a person gets going better?

Of course, this is not nearly everything. You people want to talk about what excellent jobs you do. That's fine, but let's talk about how you could do them better.

It is very difficult to get employers to talk to blind people about employment without contact with your agency. Yet, until I applied and had many conversations with Joyce Martin and Mr. James Smith at Sheppard Air Force Base, did they even know anything about the State Commission for the Blind? They knew about the Texas Rehabilitation Commission because they had made themselves known to them.

You asked me to let you have a photograph of me at work for your biennial report. I really did not want that but consented so you could make yourselves look good that you had found employment for a blind person. Of course, I am thankful for the job, but why did it take you so long and cause so much frustration for us before you did anything?

Now you have your report and want to put a stop to my progress by taking the typewriter away. If I purchased all the equipment suggested, it would take more than I earn. The typewriter, according to you, was in a warehouse in Austin before you issued it to me. That is

probably where it will go if you take it back. Or it will probably be destroyed instead of letting somebody use it and learn more. For the budget next year there will probably be machines purchased so that your appropriations will not be cut. This is such a waste. Why not let people utilize their skills and machines when you have funds set aside for it and never hesitate to tell and even sometimes exaggerate to make yourselves look better. Why not think more of the time of the people you are supposedly serving instead of concentrating on just holding on to your own jobs? There are always going to be blind people, and there are enough to go around for all of you.

At one time, Mr. Chilton, you had considered putting this typewriter into my permanent equipment. It seems to me that that is the thing you should do. Since I use it for a part-time job and need it to continue to increase my abilities, it should be justifiable. I wish that the State Commission for the Blind would have policies that would allow us to complete and continue on to further goals instead of starting something and then just dropping us and say something like "good luck."

I am not saying that you are not doing some good things, but it continues to plague us that you have so much control over our destinies, and that is serious business. You should be thinking about us first and yourselves later. I realize, Mr. Chilton, that you are also blind, but you are not always thinking

of the overall blind population. At least, that appears to be the way it is.

I do plan to keep the typewriter. I will also do all the work I can with whatever equipment I have available. I want to support myself and do as many things as I can. The experience with the newspaper has been very good for me, and that is another reason I want to continue to write for them when I can. I have at least two stories waiting for me right now.

I would have called you, but when you are in your office, I am at work and cannot call long distance.

By the way, I was about to forget this. There was another piece of equipment I was issued shortly after I got the typewriter that was snatched away from me before I was able to master it, too. It was a dictaphone. I have not mentioned that before, but I wanted to work with it also. As a matter of fact, there have been others. One was a light probe for this job I have. It was taken away before I even had a chance to experiment with it, and I have requested that it be returned and it has not. I could probably buy one of them without it breaking me, and more than likely I will. I hate depending on other people for anything if I don't have to. However, sometimes there is no choice. The State Commission for the Blind should not make us feel as if we are begging. We need you, and you need us.

Sincerely,
Lola Pace

DON'T YOU THINK YOU SHOULD

Have you included the National Federation of the Blind in your will?

Don't you think you should?

TOO BUSY FOR EQUALITY

by Marc Maurer

There are blind people who don't join the National Federation of the Blind. It isn't that they don't know about it; rather, they simply don't feel the need. They say, "I have a good job, I have my family, I have my social life. Why should I spend my evenings or my week-ends going to meetings of the National Federation of the Blind? These people in the Federation always talk about discrimination, but no one has discriminated against me. They always try to dramatize the problems of the blind, but I don't have those problems. They always want to go and fight about something, but I am a peaceful person. I only want to live quietly without drawing attention to myself or causing a fuss. I only want to be left alone."

How very short-sighted this viewpoint is. How lacking in understanding. Not only is it true that discrimination practiced against one blind person is discrimination against us all, but also all of us, without exception, face the

put-downs and the slights, if we will only understand them and admit it. Beyond that, discrimination knows no social barriers—no class distinctions. It happens to everyone. It is no respecter of money, or position, or intellectual training.

Let us take a case in point. A few weeks ago I received a call from a lawyer at the Human Rights Commission in New York. She asked me if the National Association of Blind Lawyers, the Lawyers Division of the National Federation of the Blind, could help the New York Human Rights Commission. The problem she had was this: A complaint had been filed with the Human Rights Commission charging a New York employer (one Norman Rudow) with sexual discrimination. The case proceeded to a hearing before an Administrative Law Judge. There was a full review, and the Administrative Law Judge made Findings of Fact and Conclusions of Law. These Findings and Conclusions said that indeed there had

been discrimination, and that the employer was liable. The Human Rights Commission reviewed the recommended decision of the Administrative Law Judge, found it to be reasonable, and adopted it.

The employer appealed this finding of discrimination to the New York Courts. After a thorough review of the case, the Judge affirmed the finding of discrimination against the employer. This is a report of a routine, run-of-the-mill, Human Rights Commission case. However, the next stage of the proceedings is not at all routine. The employer (Mr. Rudow) appealed again to the New York Appellate Division, the appeals court for New York. He made the same arguments there that he had made in the lower court. However, he added one. The Administrative Law Judge, Rudow said, was blind. The case presented to the New York Human Rights Commission was one in which the credibility of witnesses must be judged. To determine credibility, whether the witness is telling the truth or not, a judge must observe the demeanor of the witness, Rudow said. Because this judge was blind, he could not observe the credibility of the witnesses. He was incapable, Rudow said, of making a reasoned decision based on the testimony of the witnesses because he was not competent to observe their demeanor, and so he could not properly tell whether they told the truth. This employer argued that any time the testimony of a witness is in question, a blind person cannot possibly be competent to judge the facts. The Administrative Law Judge at the New York Human Rights Commission (a person with education, a person with standing in his profession, a person in a position of

importance) was, according to the employer, incompetent because of blindness. Discrimination comes to every one of us who is blind.

The Rudow argument seems incredible, but let Rudow (the employer) speak for himself. Here is an excerpt from the brief of this employer filed with the New York Appellate Division. I quote it at length because of the damning and disastrous consequences if its fallacious arguments should prevail. Here is what it says:

Because demeanor evidence was critical in this swearing match, it was inappropriate for a blind ALJ (administrative law judge) who could not see the witnesses to preside at the hearing as the sole trier of fact. Indeed, in light of the sexual and racial overtones of this case, the serious questions regarding the integrity and completeness of the pleadings and documentary evidence. . . , the lack of evidentiary safeguards in the administrative setting . . . , and the limited scope of judicial review of agency decisions . . . , the circumstances here are even more compelling than Lewinson or Brown (sic) for the exclusion of a blind ALJ as the sole trier of fact.

As one perceptive court has stated, "where the material requires for its solution a determination of the credibility of witnesses, due process requires a meaningful credibility evaluation by the administrative trier of fact." Addison v. Review Board of the Indiana Employment Security Division, 397 N.E. 2d 1037, 1041 (Ind. App. 1979) reh. denied, 401 N.E.2d 718. Because

the blind ALJ could not observe demeanor and therefore could not meaningfully evaluate credibility, which even the HRC's (Human Rights Commission) counsel has conceded is crucial in sexual harassment cases, Petitioner-Appellant Rudow (the employer) was deprived of a fair hearing.

(Footnote) "In a case in Indiana a new trial was granted upon proof that the eyesight of one of the jurors was so defective that he was unable to distinguish the faces of the witnesses. We may expect that some day the courts will likewise hold that a judge, hearing a case without a jury, cannot give a fair trial if he is so near-sighted that he is unable to observe the expression, deportment and demeanor of the witnesses." J. Frank, Law and The Modern Mind 110 (1936). The late Judge Jerome Frank could not even conceive of getting a fair trial before a blind judge in a nonjury setting!

Moreover, because of the arbitrary exclusion of significant demeanor evidence, the HRC's decision and findings with regard to credibility could not be based on substantial evidence.

The HRC's claims that demeanor was considered by the ALJ when it knew that this was a physical impossibility constituted a reprehensible distortion of the truth which resulted in a fraud on the public and on the lower court. As the court of appeals declared in People v. Savvides 1 N.Y. 554, 154 N.Y.S. 2d 885, 887 (1956): "A lie is a lie, no matter what its subject" The HRC knew long before the hearing that this was a case in which "there is a clear credibility issue as to the actual nature of the incidents involved." The conscious decision to have a blind ALJ

preside in such a case, the failure of the ALJ to recuse himself, and the later claims that demeanor was considered prove that the HRC never intended to give Petitioner-Appellant Rudow a fair hearing.

B. Because of the Exclusion of Demeanor Evidence, the Hearing Was Illegal and the HRC's Decision Is Not Based "Upon All the Evidence at the Hearing" as Required by Statute.

The statute under which the hearing was conducted requires the HRC to reach a determination based "upon all the evidence at the hearing." New York City Administrative Code, sec. B1-8.0(2)(c)(emphasis added). The law is settled that "demeanor evidence" is a "species of real evidence." Black's Law Dictionary (5th Ed. 1979) In Dyer v. MacDougall, *supra*, Judge Hand wrote: "It is true that the carriage, behavior, bearing, manner and appearance of a witness - in short, his 'demeanor' - is a part of the evidence." Broadcast Music v. Havana Madrid Restaurant Corp., 175 F.2d 77, 80 (2d Cir. 1949). "'Demeanor, whether that of a witness while testifying or of a person who is not giving testimony, is . . . a kind of event . . . which always occurs in presence of a jury and is sensibly apparent to it. Consequently, such an event need not be offered and cannot be excluded'." United States v. Schipani, 293 F. Supp. 156, 163 (E.D.N.Y. 1968), *aff'd*, 414 F.2d 1262 (2d Cir. 1969), *cert. denied* 397 U.S. 922, 90 S.Ct. 902 (1970). See *also*, Michael & Adler, "Real Proof," 5 Vand. L. Rev. 344, 365 (1952).

The clear intent of the legislature in including the word "all" was to ensure litigants of consideration of the broadest possible spectrum of relevant evi-

dence at the hearing. This intent is underscored by the fact that the phrase "upon all the evidence" appears twice in the short statutory section. To interpret "all" as meaning anything less than "the whole" would render the statutory language meaningless and would defeat the clear intent of the legislature. "When the language of a statute is unambiguous, and its meaning evident, it must be held to mean what it plainly expresses." Johnson v Southern Pacific Co., 117 F. 462, 465 (8th Cir. 1902), rev'd on other grounds, 196 U.S. 1, 25 S.Ct. 158 (1904). Indeed, in the recent case Burlington Industries, Inc. v. New York City Human Rights Commission, 82 A.D.2d 415, 417, 441 N.Y.S.2d 821 (1st Dept. 1981), aff'd, 58 N.Y.2d 983, 460 N.Y.S.2d 920, 447 N.E.2d 1281 (1983), this court affirmed that this statutory language means that "the Commission was required to reach a determination based upon all the evidence at the hearing (Adm. Code sec. B1-8.0(2)(c))." (emphasis added)

Because the ALJ was blind and could not observe admittedly material demeanor evidence, the hearing was illegal, and the HRC's decision could not possibly have been based on "all the evidence" at the hearing as required by statute. We therefore respectfully urge this court to reverse and vacate the orders below.

C. The Credibility Findings of the HRC Are Not Entitled to the Usual Deference Because the ALJ Could Not Observe Demeanor.

Appellate Courts are reluctant to substitute their judgment for the trier of facts (sic) on factual issues such as credibility because the trier of facts had the opportunity to observe the witnesses.

(Footnote) A less deferential standard of review is appropriate when an appellate court reviews purely legal questions. Groper v Taff, 717 F.2d 1415, 1418 n.4 (D.C. Cir. 1983).

In In re Derrick C., 52 A.D.2d 522, 523, 381 N.Y.S.2d 837 (1st Dept. 1976), for example, this court stated: "There is no reason for this Court to disturb the findings of the trier of the facts, since only he had the opportunity to observe the demeanor of the witnesses and assess their credibility." See also, S. Buchsbaum & Co. v. Federal Trade Commission, 153 F.2d 85, 88 (7th Cir. 1946), cert. granted 66 S.Ct 1016 (1946).

The lower court erroneously stated that the standard for judicial review of the HRC's findings "is a deferential one" because the ALJ "had an opportunity to evaluate the demeanor of the witnesses." Since the ALJ was blind and could not observe the demeanor of the witnesses, as claimed, the usual reason for according deference to his credibility findings is missing. As one court has succinctly put it: "Although this court generally gives great deference to the credibility resolutions of the finder of fact (citation omitted) when the theory of credibility is faulty, then the credibility resolution itself must fall." Custom Recovery, Div. of Keystone Resources, Inc. v. NLRB, 597 F.2d 1041, 1045 (5th Cir. 1979). The extraordinary circumstances of this case warrant a departure from the traditionally narrow scope of appellate review.

I have, as I have already said, quoted

at such length from the employer's brief because of its far-reaching implications. As will be readily observed, it is one of the most concentrated and spurious attacks upon the civil rights and general claim of normality and competence of blind people I have ever seen. If the Rudow argument is accepted as true, it would mean that blind persons in decision-making capacities throughout our society would be challenged. It would mean that in all of the jobs which sighted people perform with their eyes, the alternative techniques used by blind people would be under serious attack as ineffective substitutes. It would mean that one more precedent was on the books saying that sight is the preeminent characteristic on which humanity must rely and that information gathered in any other way is insufficient or subject to doubt. It would mean that the competence of blind persons to deal with virtually every situation could be called into question. Blind mothers could not observe their children, and so, could not provide them with proper care. Blind psychologists could not observe the demeanor of their patients and could not reach the proper diagnosis. Blind salesmen could not observe the characteristics of their customers and take appropriate steps to insure that they got a sale. Blind teachers could not observe their students and, therefore, could not insure that the proper education was given. The list is endless.

Could this really happen? Is there any danger that a single decision will help to erode all the gains we have made? Is there any possibility that in this day and age any court could find that sight is necessary before an Administrative

Law Judge in an ordinary case can reach a valid decision?

Only one year ago, in a case which did not come to the attention of the National Federation of the Blind until after the decision was made, the highest court in New York found that a blind person serving as a trial court judge in New York City could not reasonably take a case in which that judge was required to make a finding based upon information in a photograph. This decision, People v. Brown, reported at 62 N.Y.2d 743 (1984) reversed a criminal conviction because the judge was blind. Thus, the current thinking of the law in New York is that there is some question about the competence of a blind person to serve as a judge at least in those cases in which there are photographs. How long a step is it from disqualifying a blind judge because photographic evidence is introduced to disqualifying a judge because he supposedly cannot observe the demeanor of a witness?

Of course, we could not let the Rudow argument go unchallenged. The lives and careers of too many blind people hang in the balance. The National Federation of the Blind, through its lawyers division, the National Association of Blind Lawyers, intervened. An Amicus Curiae brief was filed. This is, in part, what we said to the New York Appellate Division. Again (because of the importance of the issue) I quote at some length:

The Petitioner-Appellant in this case, Norman Rudow (the employer), has attacked the competency of a blind person to act as a judicial finder of fact, in this case as an administrative law

judge. The collective experience of blind judges and jurors in this country completely dispels any suggestion of incompetency. Numerous jurisdictions have quite properly entrusted the blind with the duties of judicial fact finder, both on the bench and in the jury box. The confidence which society has shown in blind judges and jurors is demonstrated by the growing number of such appointments and by the many laws which guarantee the participation of the blind in society.

It is the public policy throughout the United States that the handicapped be permitted to exercise all of the rights of citizenship without regard to any handicapping condition. In 1966, Professor Jacobus tenBroek reviewed the development of the legal rights of the disabled, stretching back to 1918, and concluded:

"From the foregoing, it is abundantly clear that integration of the disabled is the policy of the nation. This policy has been expressed by Congress and by the state legislatures, not once, but many times, and not merely with respect to a single narrow area of human endeavor, but with respect to the whole broad range of social, economic, and educational activity backed up with numerous specially created agencies and instrumentalities of government, with affirmative and negative prohibitions, and with vast expenditures of money amounting to hundreds of millions of dollars each year." tenBroek, "The Right To Live In The World: The Disabled In The Law Of Torts", 54 CAL. L. REV. 841, 847, (1966).

The years since 1966 have brought with them further legislative developments of this policy. The United States Congress

has enacted Title 5 of the Rehabilitation Act of 1973, 29 U.S.C. Sections 791 et seq., guaranteeing the civil rights of the handicapped, and the Voting Rights Act Amendments of 1982, 42 U.S.C. Section 1973aa, insuring the right of all blind persons to vote. Numerous states have enacted or strengthened White Cane Laws and civil rights laws for the handicapped. All of these laws and the judicial decisions interpreting them, have recognized and guaranteed the civil rights of the blind.

The attack leveled at the administrative law judge in this case is an attack on the policy of integrating the blind into society. It is this policy which led to the appointment of blind judges throughout the country. It is this policy which led to the amendment of jury selection laws to permit the handicapped, including the blind, to serve. (See, e.g. 1983 N.Y. Laws, c. 474, Section 1, N.Y. Judiciary Law Section 510). To decide now that a blind person is not capable of judging the facts would run contrary to this well reasoned and long-standing policy. It would be a rejection of the fact that the blind are as capable of making soundly based decisions as the sighted.

The Appellant seeks to convince this Court that, while the blind may be able to function as judges in some cases, this case is different because it turns on the credibility of the witnesses. This case is clearly not unique. Administrative law judges, who sit without a jury, make findings of fact each day based on conflicting testimony. A finding that this administrative law judge could not sit in this case would be a finding that blind judges are incompetent to sit in any case in which oral

testimony is taken. Such a conclusion is disproven every day by blind judges throughout the country.

Recently, Judge Dana Wakefield, a blind trial judge in Colorado, was presented with a case involving a video taped confession. The defense suggested that the case was not a proper one for a blind judge to hear. Judge Wakefield disagreed. He reasoned that a video tape could be evaluated by him in the same manner as the live testimony he was presented with each day. On May 14, 1984, the Colorado Supreme Court refused to hear the defendant's attempt to remove his case from Judge Wakefield's docket. (Denver Post, March 15, 1984; Rocky Mountain News, March 29, 1984)

Other blind judges have similarly expressed the view that sight is not necessary to determine a witness's credibility. Judge Nicholas Pomaro of the Cook County, Illinois Circuit Court states that "since you can't see facial expressions, you also learn to listen to voices." 69 American Bar Association Journal 1021 (August, 1983). Judge Pomaro has served for seven years. Judge Chris Cole is a blind judge who has spent twelve years on the Texas bench. He, too, does not find sight to be a legitimate job qualification, having found alternate techniques to perform those tasks which he would otherwise do with sight. *Id.* at 1021-22.

There are many other examples of successful blind jurists. Lewis Corbin presides in Florida's Fourth Judicial District, (BRAILLE MONITOR, January 1979, page 10); Judge Gilbert Ramirez is on the Supreme Court of New York in New York City (BRAILLE MONITOR, October 1977, page 323); Judge Courtland Perry sits in the Seventh District Court in

the State of Maine (BRAILLE MONITOR, February 1977, page 67); Judge Donald H. Wilkinson served 30 years on the Superior Court of the State of California (BRAILLE MONITOR, March 1975, page 138); Judge Charles R. Simpson was appointed to the United States Tax Court in 1965 (BRAILLE MONITOR, September 1965, page 31, and October 1965, page 5); Judge August Jankowski has sat as an elected city court judge in Dunkirk, New York (BRAILLE MONITOR, July 1972, page 339); and Milton Holmes served for eleven years as a judge of the municipal court in Rock River, Ohio (BRAILLE MONITOR, January 1972, page 56). The tenure of each of these judges demonstrates that sight is not a legitimate qualification for a judge. Blind judges sitting, as they often must, as finders of fact, are capable of judging the credibility of the witnesses before them.

Judge Gilbert Ramirez of the New York State Supreme Court addressed this point in a speech presented at the thirty-seventh annual Convention of the National Federation of the Blind. (This speech, entitled "The Blind Can Judge Facts," was reprinted in the BRAILLE MONITOR, October 1977, page 323.) Judge Ramirez addressed the resistance he met when being considered for a family court judgeship in 1968, soon after the Court of Appeals affirmed Lewinson v. Crews, 282 N.Y.S.2d 83 (2d Dept. 1967), which excluded blind persons from New York State juries. Judge Ramirez's experience as a successful lawyer and a legislator was at first discounted.

"And then came the inevitable question: How could I, blind as I am, determine the credibility of a witness if I could not visually observe the manner and demeanor of the witness on

the stand? I explained as diffidently as I knew how that I would apply the same test that I used in my everyday affairs to determine the reliability or unreliability of statements made to me by others. The fact that for years I had dealt successfully with judges, prosecutors, lawyers, plaintiffs, defendants, and clients and witnesses should have been indicative of something. And the fact that I have recruited dozens of political workers and turned them into a winning political organization which produced four electoral victories for me without a single defeat should have been proof enough that I was a reasonably good judge of character and sincerity in others. And in the dog-eat-dog world of politics, where no mercy at all is shown to losers, I certainly had been more successful than most in telling the good guys from the bad guys and in separating fact from fiction. . . . Judges of fact are all too often carried away by their belief that seeing is believing. Tears are often more an expression of joy or anger than sorrow; and a nervous witness sometimes does tell the truth, while cool, well-composed witnesses have been known to tell a fib or two." Id. at 324

Judge Ramirez makes telling points. One is that an attack on the ability of a blind judge to determine the credibility of a witness is, in reality, an attack on the ability of a blind person to exercise good judgment. The achievements of thousands of blind people demonstrate every day that the blind are capable of managing their own lives as are the sighted. The civil rights guaranteed to blind people by our society, the right to vote, rights of equal access, and the policy of integra-

tion discussed by Professor tenBroek, proclaim the confidence which our society places in the blind. This confidence is well-founded, as illustrated by the successful judicial career of Judge Gilbert Ramirez and many others. But Judge Ramirez's story serves as a reminder that the exercise of this policy may be hindered by uninformed concerns.

The Appellants in this case argue that a determination of witness credibility rests on the demeanor of the witness, which in turn rests almost exclusively on visual observation. Yet, demeanor need not be determined with sight. Halting testimony, changes in volume and tone of voice, and "pregnant" pauses, none of which survives transcription, are all part of the demeanor observed by the trial judge which is justifiably given great deference by reviewing bodies. Moreover, the Appellant has overstated the importance of visual contact with the witness. Sighted judges are not required to look at witnesses while they testify, and the Appellant can cite no case of a judgment's having been overturned for a judge's failure to do so. In fact, such grounds would be considered trivial. The appellate court should find that a diligent trial judge had acted within his sound discretion by directing his attention, though not his eyes, to the witness.

**Blind Persons Have Been
Judicially Determined To Be
Competent To Judge Facts**

In the United States Federal District Court for the District of Idaho, it was the practice of the court clerk to exclude all blind persons from service on

juries. This matter was brought to the attention of Federal Court Judge Callister by a blind professor at Boise State University. After considering the matter fully, Judge Callister directed the clerk to permit blind persons to serve on juries with no restriction except those applicable to all other persons. (This letter was reprinted in full in an article entitled "Blind Jurors Vs. The Federal Court System," by Norman Gardner, BRAILLE MONITOR, January 1984, page 14.)

Indeed, the legislatures of several states have declared that the blind may not be prohibited from serving on juries because of blindness. (Note: Blind persons have served on juries both within states which prohibit discrimination in this citizen service by statute and within states where no such statute was adopted. It is reported that blind people have served on juries in at least the following states: California (BRAILLE MONITOR, January 1975, p. 54, and January 1981, p. 81), Delaware (BRAILLE MONITOR, April 1980), District of Columbia (BRAILLE MONITOR, January 1975, p. 39), Idaho (BRAILLE MONITOR, January 1984, p. 14), Illinois (BRAILLE MONITOR, December 1979, p. 346), Iowa (BRAILLE MONITOR, April 1978, p. 107), Virginia (BRAILLE MONITOR, January 1978, p. 19), and Washington (BRAILLE MONITOR, October 1975, p. 501, and December 1975, p. 610).)

Conclusion

The Appellant's attack on the administrative law judge, based solely on the judge's blindness, must be rejected

soundly. It must be rejected because of the public policy favoring integration of the blind into society, because blindness has nothing to do with judgmental competency, because the collective experience of the judiciary with blind judges and jurors demands it, and because common sense dictates it.

Respectfully submitted,

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Marc Maurer, Esquire
Steven Keller, Esquire

So we argued in the brief submitted by the Federation. The decision in this case has not yet been made. Whether it will be positive or negative is yet to be known. But one thing is clear. The Rudow argument cannot be permitted to stand. The organized blind movement (the blind of America gathered together to protect our own freedom and gain independence) will not allow it. We will fight this argument and those like it until we have established the right of blind people to serve in every capacity for which we are qualified. The blind will not permit discrimination against a blind teacher, a blind mother, a blind student, or a blind judge. The blind must stand together, for the decision which discriminates against one of us discriminates against us all.

SECOND MISSOURI LAWSUIT SUCCESSFULLY CONCLUDED

In the Spring of 1984 (see May, 1984, Braille Monitor) three lawsuits were filed against Joseph O'Hara and other Missouri officials in the Federal District Court in Missouri. The first of the lawsuits (see Braille Monitor, December, 1984) was successfully settled last October. The second lawsuit (the one principally involving Tom Stevens) has now also been successfully concluded. The state of Missouri has apologized to the Federation and is paying \$10,000 toward the expenses of our 1985 national convention. This is a far cry from the boasts of a year ago when desks were being searched and so-called investigations were being conducted. The third lawsuit (the Dottie Neely case) is very much alive, and it is unlikely that we will agree to any settlement before trial. The principal issues involved in the first two cases are still before the court in the Neely case, and they should be definitively resolved. Perhaps the Missouri officials have learned their lesson; perhaps their apology is even sincere and they truly regret their gestapo tactics; but an example is needed for future would-be violators of the law and the rights of the blind. If we had failed to take up the challenge in Missouri, the dignity and self-respect of every blind person in the nation would have been to some degree diminished, and we would have been untrue to our heritage and trust:

**IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF MISSOURI**

NICHOLAS WHITNEY, et. al.,

Plaintiffs,

v.

JOSEPH J. O'HARA, et. al.,

Defendants.

Civil No. 84-0660(C)(3)
Filed February 21, 1985**SETTLEMENT DECREE**

1. In order to settle the differences in the above-entitled case, Defendants state that they conducted an investigation of the Missouri Bureau for the Blind and its operations. The National Federation of the Blind was not a target of this investigation, and Defendants regret any invasion of interests in associating with the National Federation of the Blind because such a result was never intended. Therefore, Defendants apologize for any injury suffered by the National Federation of the Blind as a result of the investigation of the Bureau for the Blind.

2. Defendants agree to pay the sum of ten thousand dollars (\$10,000.00) to the National Federation of the Blind for the

purpose of co-sponsoring the 1985 national convention of the National Federation of the Blind.

3. Defendants agree to pay to Charles T. Stevens two month's salary as separation pay.

4. Defendants agree to place the resignation of Charles T. Stevens in his personnel file effective April 6, 1985, and to remove from his personnel file all documents which refer to, or may have been the basis for, dismissal or disciplinary action.

5. In consideration of the foregoing, Plaintiffs and the National Federation of the Blind, Inc., a non-profit corporation organized under the laws of the District of Columbia, release and hold harmless the Defendants from any action

arising out of the subject matter of this litigation.

6. Each Party shall bear its own costs and attorney's fees in this action.

7. This Consent Degree shall not be offered as an admission in any present or subsequent court proceeding.

William L. Hungate, Judge

Done this 21st day of February, 1985

Marc Maurer, Esquire

Frederic S. Le Clercq, Esquire

Counsel for Plaintiffs

Done this 9th day of February, 1985

Robert Presson, Esquire

Counsel for Defendants

Done this 13th day of February, 1985

GOOD INTENTIONS AREN'T ENOUGH

by Gary Wunder

(Note: Gary Wunder is one of the leaders of the Missouri affiliate. The following article appeared in the January, 1985, Blind Missourian, the newsletter of the affiliate. Gary is editor of the newsletter.)

Last spring my telephone rang, and the party on the other end had a simple request. She asked if I would participate in the making of a film to promote eye research for the Lions Eye Research Foundation. My warning alarm went off, and memories of all those soapy commer-

cials with their sickening portrayals of the blind flashed before me. But, I said to myself, this is not some far away national organization. This is the Eye Research Foundation, a local concern. I live next door to the girl friend (and now wife) of the Director. I have several good friends who are members of the local Lions Club. I know the lady making this request. What in heavens name is there to be afraid of anyway? Besides all that, just think about how much good PR will come to the Federation by showing a willingness to

cooperate. There is no reason to dogmatically believe that our messages to the public are at odds with each other. Be a free spirit, and give it a chance.

Several days later I received a call from the public relations firm hired by the Foundation. The field representative, trying to merge the talk of the salesman with the talk of the sympathetic colleague, proceeded to tell me about the goals of the Foundation and the company it had hired. He said that this job was ideal for him, that it gave him a chance to make a contribution to his fellow blind. The gentleman said that he and I were the same, that he understood blindness because he could only see out of one eye. He drove a car, read the newspaper, and knew none of the skills commonly associated with those of us who are blind. He was not aware of organizations of or for the blind, everything being a foundation or an association.

Enough of describing our friendly PR man. We agreed on a time when he would come to photograph me at work, and that was that.

When the time came for our appointment the PR man and a medical student came to my work station, and we all made introductions. The PR man asked if this was where I worked, and I said it was. He left for a short time, and the medical student and I got to know each other better. When Mr. PR came back he said that he wanted to use a different location for the shooting, something a bit more classy than my six by six cubicle. I told him my equipment could not be moved and pointed out that the Braille terminal weighed almost 250 pounds. He said equipment wasn't important and that he simply wanted some shots of someone

reading to me. Innocent enough I thought, especially since I often hire readers and sometimes use a conference room.

It turns out that our PR man had not selected one of the three available conference rooms but instead had decided on using a location in the word processing area of my building. Apparently he had surveyed the area, found an empty work station, and assumed it would be okay to use. When we got to the location, however, its occupant had returned. That didn't bother Mr. PR a bit. He simply explained that we were on some very important business, that we needed this station only for a short time, and wasn't it worth five minutes of her time to help in the conservation of sight. How could she argue with that? Before I could apologize for the inconvenience the woman and her co-workers were gone. I should say here that my office is large enough that I am not personally acquainted with each member of the staff. What a wonderful first impression.

With the medical student as reader, we took several shots. But, of course, that wasn't enough. Could I put my hands on the keyboard and simulate typing? Why not? After all, the keyboards were basically the same, and it was all just a film clip anyway. There are two things I really admire: staged reality and planned spontaneity.

Mr. PR next said we should go outside and get pictures of me traveling. He noted that I had expressed an interest in mobility for the blind and thought this would fit perfectly into his script. Keep in mind that my office is located in an abandoned rock quarry. The building is new and quite nice, but

the area is not exactly in the center of downtown. The only reason you'd be there is work.

When we got outside Mr. PR told the medical student to start walking and that I would take his arm. The objective was to photograph me being helped across the street, he explained. I said no and said this was not the image I wanted to convey. Mr. PR was very patient. He explained that this was not a film on the independence of the blind, that we had to focus on our audience and understand what was expected from them. People needed to be convinced that there was a reason to donate to eye research, and that reason had to be some kind of limitation they could see and relate to. It was all part of the business, and he knew I could appreciate the fact that he was the expert in these matters.

There are times when I doubt the good of all we say and do to communicate with the public, but to my joy the medical student became angry. He asked Mr. PR if he had heard what I said. He reiterated what I told both earlier about the PR we try to generate as a movement and how hard it is to get a really good story out to the press. He asked Mr. PR whether he really thought it would serve my interest, or even that of the Foundation, to stage such a scene. Mr. PR deferred to the wisdom of the upstarts, and so we did a scene with me using my cane to traverse the cars that lined the lot.

I don't recall much more about the day except that I was wary. Perhaps this was a bad idea. Mr. PR wasn't happy, I wasn't happy, and the friend who had asked the favor might not appreciate my good will gesture after all.

Several days later I got a call from

the medical student asking if he might take more pictures. He apologized for Mr. PR, said he thought the behavior so inappropriate that he had complained to the director of the Foundation, and that the director had asked him to convey regrets from the Foundation and get some shots we could all be happy about.

After that shooting session I didn't give the project much more attention. Melissa (our new baby) was here—all else could wait. Perhaps some day would find me writing about the misunderstandings that can arise between independent blind people and PR folk who think they know it all.

I'm not sure when, but one Sunday afternoon I had a caller saying they had seen me in the Eye Research Foundation film. "Oh," I said. "I haven't seen it."

"You ought to do so," was the reply. It seems that my hard fought battle to get a shot of a blind person traveling was shown in a most interesting context. First you see me, a blind man, walking alone in a lonely parking lot. Then you see a picnic and a father surrounded by his children. The narrator asks, "Which would you prefer, this, or this?" and the the two scenes are displayed in sequence.

To the credit of the board of the Eye Research Foundation, the film was rejected, and the director tells me the highly paid consultant (his characterization) was sent home. Plans to use the material he created are said to be out of the question. Great, great, great! But where does that leave the Eye Research Foundation, and where does it leave us? I really don't know. On the one hand I'm glad to see how far we have come in communicating our concerns

to the well meaning citizens who serve on boards such as the Foundation's. On the other hand my temptation is to be dogmatic. I'm almost convinced that most people who sell eye research to the public haven't a single approach that talks about the virtue of preserving a God given gift. Fear and sympathy appear to be the essential ingredients in the approach, and at whose expense? Ours! For our part, what is our message—that it is okay to be blind,

that our condition does not stop us from leading happy, normal, and productive lives, and yes, our message is that we, too, can be that father in the park. Can both these acts be worked into a single play? If so, I've not seen it. Until I do, I think I'll stay away from good deeds which will cause others to ask that I compromise my beliefs about blind people and the lives we lead. What are your thoughts?

THE CASE OF THE REJECTED IDENTIFICATION CARD

Federationism is a full-time activity. It is not put on and off like a suit of clothes or a pair of shoes. Instead, it is a way of thought and a part of everyday life. When a Federationist goes to work or to dinner, Federationism goes too.

The state of Missouri issues an identification card to blind persons who apply for it. It is issued by the state Division of Motor Vehicles (just as drivers licenses are), and it serves many of the same purposes. With the exception of authorizing an individual to drive a car the card carries the same entitlements. Howard Neal, a Federationist from Missouri, recently had an experience in a restaurant which underscores the difference between Federationists and blind persons who have not yet joined the movement. He stood up for his rights; he took what began as a bad situation and made of it something

positive; and he had the perspective to understand that each of us should try to advance the well being of the rest of us throughout the country. Here is a letter which he recently sent to the National Office of the Federation:

Dear Editor:

Enclosed please find a copy of a letter I sent to Bamco Headquarters, which is the holding company for Stewart Anderson's Cattle Company restaurants. As the letter says, I tried to write a check for the meal using my state I.D. card. I was told I would have to use a major credit card instead, and did so at that time.

I sent their management company the enclosed letter with the result that I was called by Mr. Rich Chorich's (V.P. of Operations) assistant, Don Roberts.

He agreed with me that their policy was unfair to blind people and told me that he had called the two St. Louis stores and told them to accept the state I.D. card. The best success came when he informed me that they would change their nationwide policy on the identification card policy to conform with the laws in each state where they operate. Our phone conversation was successful in more than just the above sense. I got the opportunity to educate him about our movement and answered some questions about what it really means to be blind and shared with him the concepts I have learned as a Federationist.

Thank you for the education that made it all possible.

Sincerely,
Howard G. Neal

Maryland Heights, Missouri

Dear Mr. Rich Chorich
V.P. of Operations:

I am writing to inquire about your check policy regarding payment of food checks. On January 4, 1985, Burt Gedney, Patty Williams, and I came to dine at your Stewart Anderson's Cattle Company Restaurant at 11440 Olive Street Road, St. Louis, Missouri. These people are good friends of mine, and I wanted to treat them to a dinner for a special occasion. I might mention I use a state identification card due to the fact I am blind and obviously cannot obtain a driver's license. My friend Burt inquired while we were in the waiting line whether this identification card would be accepted. He was informed by your

manager (this was at nine o'clock in the evening to help you find the manager at that time and date) that this I.D. would not be accepted. I spoke with the manager and advised him that the state I.D. is legally the same as the driver's license. Both cards are issued by the Department of Motor Vehicle registration. This I.D. has binding legislation by the House and Senate of Missouri and represents a great deal of work and promotion by the National Federation of the Blind and myself. The National Federation of the Blind is a national consumer movement with about fifty thousand members and a Missouri township of over two thousand members.

Your failure to recognize this card constitutes a misdemeanor and is discriminatory against all blind persons who have no choice as to the identification we use.

Fortunately I have a Visa and Master Card, but I was embarrassed and made to feel like a second-class citizen by your policy. I enjoyed the meal and tipped the waitress only because your policy is not her responsibility. If your manager would have waited on us, I would not have tipped due to this injustice. I did enjoy the evening despite this. I am led to believe this may also be a case of not being your manager's total responsibility, rather just a possible ignorance of the law on his part. I really do not believe this is truly your policy in fact. I do not believe you intend to discriminate against blind people either. You are, instead, possibly leaving this out of your training policy.

Please correct your policy to recognize the state identification. I would appreciate hearing from you soon on this

matter. I am planning to send a copy of this letter within ten days to my congressman and senator to let them know that we are still having problems with the I.D. Thank you in advance for your

prompt attention.

Sincerely yours,
Howard G. Neal
Member of the National
Federation of the Blind

TAKING THE BITTER WITH THE SWEET

(Note: This article appeared in the Winter, 1985, issue of The Blindsight, a publication of the National Federation of the Blind of Minnesota.)

Many changes are taking place over at the State Capitol as a result of the Independent Republican (IR) victory in the November election. In the process, several long-time employees of the State House of Representatives lost their jobs. Losing a job is a jolting experience no doubt: everyone suffered. Oddly enough, the news media decided to focus their attention on the plight of just one of these unfortunate individuals. That individual happens to be blind.

For eight years the blind gentleman in question conducted tours of the State Capitol and helped educate the public concerning the legislative process. He rightly earned the job he held and continued to hold it because he was good at it, not because he was somebody's "charity case." So far as we know, the other ex-employees also performed their duties with distinction and dedication. Earning a livelihood was no doubt important to all concerned; blind and sighted alike. So why did the reporters flock

to the one and leave the others alone? There can be only one answer: because he was blind.

We in the NFB are always concerned when blindness is used to guilt and intimidate our sighted colleagues. When the press gets into the act, it hurts its own credibility and compounds the sin. Worse yet, harm is done to all blind people who are striving for first-class citizenship.

Did the IR House Majority do the right thing when they let all those people go? It's hard to say. Presumably, they did it because they thought it would make state government more efficient. Whether or not they achieved their goal, only time will tell.

We already know that the IRs did one thing right for sure. They did not discriminate when it came time to hand out the pink slips. Despite media pressure, they refused to make an exception for an individual just because that individual happened to be blind.

Equality with our sighted colleagues—that's the goal of the NFB. Quality education, rewarding jobs, the opportunity to share in the benefits America can offer—we want all these things.

But equality means more than just having the things we want. For it also means sharing in losses and suffering through changes that may be painful. In short, it means taking the bitter with the sweet.

We devote a lot of space in The Blindside to reporting on the "sweet" side of equality. We proudly keep you posted on all the gains blind people are making—both individually and collectively. For both blind and sighted,

what happened at the Capitol was definitely a case of "the bitters." Because we believe in equality, we report on "the bitter" side, too. Indeed, our sympathies go out to everyone involved.

As blind people, we demand equal treatment when an employer is hiring. And we expect equal treatment when an employer is firing. Whatever happens, we in the NFB won't let today's pink slip stop us from striving for tomorrow's blue ribbon.

RESPONSE TO "OF OPTACONS AND OPTIONS"

In the March, 1985, Monitor we carried an article entitled "Of Optacons and Options." A student told of her problems with the Optacon, and I gave my impressions, which were not very positive. I qualified my remarks to the extent of saying that they were simply based on personal belief and personal experience. Obviously other people have had different experiences from mine and, therefore, have different beliefs. How many people hold what views will, of course, depend on who is doing the reporting and who is being surveyed. Be that as it may, here is another point of view:

Willow Street, Pennsylvania
March 11, 1985

Re: Of Optacons and Options

Dear Dr. Jernigan:

We received our March Braille Monitor on Saturday, and I read "Of Optacons and Options" with some interest. I would like to respond to the student regarding some of his concerns and also comment on your thoughts about Optacons.

I have used my Optacon for the past eleven years. My husband, Jerry, has used his for eight years. We use them for all of the uses you mentioned: reading mail, reading a computer screen, getting the format of a printed page, and more. I use my Optacon at work to read consumer complaints, response letters from companies, and any other comments received from the customers. I read magazine articles (I've just finished reading a short book), check care instructions on labels in clothing, recipes on boxes and cans, preparation instructions for frozen food, verifying checks I've written, to mention a few.

I have also learned to accurately fill out forms using my Optacon and typewriter. While I agree that the Optacon cannot be used effectively to complete assignments by college students, with practice, the reading speed can be increased higher than the twelve words a minute this student is currently reading. I read approximately 36 words a minute. I am sorry that the Optacon is not used more by more blind people. Perhaps if it were, the price would come down somewhat. I agree that it is very much overpriced and that even the accessories are outrageous. However, since I've used my Optacon for so many years, the one I have now is my second. I used a model R1B until 1984. Then, when the cost of the service agreement went from \$325 a year to \$595, I decided to trade it in on a new model. It seems now that it was a wise decision since repairs of the older models cannot be guaranteed any longer and service agreements are not being sold for coverage on them longer than the end of this year. But I am glad to have it.

Now I have a few comments about the student's concerns:

I believe that all the things mentioned (getting used to the buzzing, reading speed, amount of time he is able to read without getting tired, and the size of the print) are all things that can be attributed to the fact that this student is just learning or has just learned to use the Optacon. The buzzing was very annoying to me at first, but I

hardly notice it now. I believe that it has become just a part of my office now, and the other people never mention the sound.

I have already mentioned my reading speed, but as far as the time is concerned, that will also be increased as the student uses it more. On Saturday evening, while finishing the book I mentioned, I read for four hours before getting tired. I think my Optacon got tired sooner than I did since I had to plug it in to charge the battery before I was finished.

I don't really understand the print size problem. The only suggestion I have is that most print I read, either typed or printed, can be controlled by making adjustments to the print size by using the camera lens adjustment or the threshold adjustment. Jerry has a second lens for his Optacon because he needs it to read the computer screen. But, with all the different types of print I read, I only have the lens which comes with the Optacon.

These are my thoughts about the Optacon. Although the cost of the Optacon at \$4,500 may be prohibitive for a lot of people, unless they get financing from some other sources like rehab or a service organization, I believe it is very useful, and I always find new ways that I can and do use my Optacon.

Sincerely,
Cynthia E. Handel

MARCH ON WASHINGTON

In late January or early February of each year the blind of the nation come to Washington to talk with Congress. The 1985 March was the biggest and most effective we have yet had. As in the recent past, we headquartered at the Capitol Holiday Inn. There was a public relations workshop on Saturday, February 2, and there was also an Associates workshop. The majority of the participants in the March arrived Sunday, February 3; and when the count was taken, more than 300 people from forty-four states were present.

There was a general informational meeting Sunday evening, at which fact sheets were read and positions discussed. Senators and members of the House were contacted Monday, Tuesday, and Wednesday; and as time allowed, groups were taken to the National Center for the Blind in Baltimore for tours and discussion.

Wednesday night, February 6 (as a suitable climax to the week's activities), Russell Anderson, President of the Indianapolis Chapter, was arrested and removed from the airplane he had boarded to fly home. His crime was his refusal to submit meekly to verbal abuse and his insistence that he not be moved from the exit row seat to which he had been assigned.

The issues which we discussed with the members of Congress are set forth in three fact sheets and a covering memorandum:

For more information please contact:

James Gashel
Director of Governmental Affairs
(301) 659-9314

LEGISLATIVE MEMORANDUM

From: Members of the National Federation
of the Blind

To: Members of the 99th Congress,
First Session

Re: The blind: Priorities for the
99th Congress, First Session

One out of every five hundred of the U.S. population is blind, and thirty to forty thousand people in our country become blind each year. Even more, the social effects of blindness magnify its impact to include families, relatives, friends, colleagues at work, and others. In short, millions of our citizens are affected to a considerable degree by laws and public policies concerning the blind. But despite its widespread impact, blindness is one of the most misunderstood conditions. So we have formed the National Federation of the Blind (NFB) to increase public understanding of blindness and to build greater awareness among the blind themselves.

NFB is a private sector voluntary

effort directly maintained and controlled by the blind themselves. It is a resource of knowledge and personal help with everyday problems for thousands of blind men and women. We are proud of our self-help philosophy and achievements, but decisions that could be made by the 99th Congress might bring our programs to a halt or severely curtail them. Therefore, certain actions must be taken:

(1) Congress should control and stabilize postage rates for nonprofit organizations, such as NFB. This request seeks sufficient appropriations to meet "revenue foregone" expenses of the United States Postal Service for handling mailings by nonprofit organizations sent at reduced postage rates. Under existing law and appropriations levels, nonprofit postage rates will rise from 5.2 cents per piece (third-class nonprofit rate) to 6 cents per piece on February 17, 1985. But the rates could rise to 12.5 cents per piece on October 1, 1985, if a budget plan to eliminate payments to the postal service is accepted by Congress.

Nothing can be more critical to a voluntary, private sector group of citizens than to have affordable, stable postage rates for mass communications. Paying the postal service's commercial rates for necessary use of the mails would force us to dismantle many programs. Survival for many national organizations (including NFB) would be threatened. If communications with blind persons and the public at large are cut, a time bomb is created since fewer people will understand anything about blindness and even fewer will know of the continuing need to help. Then the downward spiral is in motion, with

fewer people helped and even fewer people helping. Soon the benefits are gone.

This does not overstate how vulnerable we are to the postal rate crisis if Congress fails to approve adequate funding. The fact sheet entitled "Crisis In Nonprofit Mail Rates Means Serious Harm To The Blind" explains the current situation and gives details on how members of the 99th Congress can help.

(2) Congress should act to preserve the priority for blind persons to operate vending facilities on federal property. This request seeks to insure the viability of the blind vending program which operates nationwide and in every state, giving blind persons the opportunity to have small businesses on federal, state, county, municipal, and private property. Under existing law (the Randolph-Sheppard Act, as amended), blind persons trained and licensed by state agencies are to have a priority for vending facility space on all federal property. The Secretary of Education is responsible for coordinating the federal effort to protect and defend this priority, but recent actions taken by property-managing agencies (including the General Services Administration, the United States Postal Service, and the Department of Defense) have threatened the priority through competition with nonblind commercial vendors. Competition from fast-food chains (such as the McDonald's and Burger King Corporations) now occurring at Army and Navy bases is the most threatening, recent event. The fast-food giants were given contracts for military sites without even the slightest attempt to extend similar opportunities to blind vendors. Yet, a judge in the federal district court for

the District of Columbia declined to overturn the military contracts despite these apparent violations of federal law. Members of Congress and appropriate committees having jurisdiction should insist upon strict observance of the priority which Congress intended for the blind for operating vending facilities on federal property. The fact sheet entitled "Food Service In Federal Buildings: The Threat To The Blind Priority" explains the current situation and gives details on how members of the 99th Congress can help.

(3) Congress should enact the "Fair Insurance Coverage Act" to prohibit unfair discrimination in insurance based on blindness or degree of blindness. This proposal (offered in the 98th Congress, Second Session by Representative Jim Bates of California and Senator Charles Mathias of Maryland) seeks a federal ban on extra premiums and denials of insurance coverage faced by blind persons. Existing law does not provide such protection on an interstate basis for anyone. Thirty-five states have already passed laws or regulations relating to insurance discrimination against the blind, but discriminatory insurance practices still continue in some of these states and in others where no laws or regulations now exist. Congress should now examine the question and enact a comprehensive federal policy. The fact sheet entitled "Insurance Discrimination Against The Blind" explains the status of current efforts in Congress and in the states and gives details on the current need for federal legislation.

Blind people are asking for your help in securing positive action by Congress and the Executive Branch in the areas

outlined in this memorandum. To the extent necessary, new legislation to achieve these and other objectives will be introduced in the 99th Congress. Other actions to support our objectives may be taken by individual members independently. Many priorities confront this session of Congress, but the needs of the nation's blind must not be overlooked during this year's legislative agenda. We of the National Federation of the Blind stand ready to assist the members of Congress in understanding our needs and taking meaningful action to address them.

**FACT SHEET
CRISIS IN NONPROFIT MAIL RATES
MEANS SERIOUS HARM
TO THE BLIND**

The Issue The 99th Congress will decide whether federal funds will continue aiding the blind and others by meeting some of the costs for reduced rate mailings carried by the United States Postal Service (USPS). Many nonprofit organizations, such as the National Federation of the Blind (NFB) may not survive if forced to pay commercial postage rates. Yet, this would be the effect of announced budget plans to terminate federal aid for nonprofit groups to use the mails.

Nonprofit Postage Rates Bring Help to the Blind Holding the line on nonprofit postage rates will mean the difference between life and death for groups such as NFB which operate in the private sector. Voluntary initiatives made by the blind themselves without government expense (such as public edu-

cation campaigns and drives for more employment opportunities for the blind) will decline or cease altogether if postage rates rise further. Materials and resources aimed at personal adjustment and self-help for the blind, provided without government cost, will not be available. Organized consultation by the blind themselves to assist in developing technology or to advise officials of public programs will not be possible. Communications links among the blind to share information, knowledge, and resources will be gone. Above all, the ability to encourage the blind toward self-betterment, growth, and productive living will be lost. This is tangible help made possible now because of federally provided special mail rates. The rates allow for educational communications and fundraising to enlist community, private sector support for the efforts of the blind to help themselves. NFB's programs help reduce dependency by the blind upon the government. That in itself is a benefit to all taxpayers. But if Congress decides not to use tax money to encourage these private initiatives, demand will rise from among the blind for more help from public agencies financed by state and federal tax dollars. Costs to the federal treasury for publicly run programs will rise while private efforts cease or suffer.

How Congress Can Help

(1) Vote for a budget resolution containing sufficient authority for appropriations to stabilize nonprofit postage rates at current levels.

(2) Vote for fiscal year 1986 appropriations sufficient to stabilize non-

profit postage rates at current levels.

(3) Support legislation preserving Congressional authority to stabilize nonprofit postage rates before the authority lapses in two years.

Current Crisis and Background Pursuant to the Postal Reorganization Act of 1970, federal revenues pay costs for mail service authorized by law at free or reduced rates. The appropriation is a payment to the USPS for "revenue foregone" by the Postal Service in handling mail at other than commercial rates. Communications by nonprofit organizations and "free matter for the blind and handicapped" directly benefit the blind. Political parties, newspaper and periodical publishers, schools, libraries, and many others are also aided by the revenue foregone appropriation.

The current appropriation is \$801,000,000. This is a target in the current round of budget cuts. In 1981 and 1982 there were unsuccessful attempts to eliminate budget authority for the revenue foregone appropriation, but Congress wisely resisted those attempts.

USPS estimates that \$981,000,000 will be needed for fiscal 1986 to cover revenue foregone for free or reduced rate mailings. The Administration may request a small amount of funds to finance mailing free matter for the blind or handicapped and some educational materials to schools. Otherwise, a major battle will be waged over federal support for other mailings, including those by nonprofit groups.

The budget and appropriations battle is an annual struggle to guard against sharply escalating postage rates. Provisions of the Postal Reorganization Act give Congress some control over special mail rates by means of the budget and

appropriations process, but specific rates are principally determined and adjusted periodically by the Postal Rate Commission. Under existing law the revenue foregone appropriation can and does include funds necessary to meet overhead or "institutional" costs of the USPS. In addition, some money is authorized to cover a portion of the cost "attributed" to mailings by non-profit groups. But this authorization will completely expire in two years unless Congress acts to extend it in some manner. If the authority lapses, Congress will lose much of its ability by law to stabilize the special non-profit postage rates.

5.2 cents per piece is the current third-class nonprofit rate. Even under present appropriations for fiscal 1985, the per piece third-class nonprofit rate will increase to 6 cents on February 17. If Congress fails to appropriate enough for fiscal 1986, the new rate could more than double rising as high as 12.5 cents per piece, beginning October 1, 1985. 12.5 cents per piece is the commercial third-class rate. This would be the amount charged to nonprofit organizations without adequate appropriations to meet the difference. At the 12.5 cent third-class per piece rate an organization mailing 1,000,000 pieces would pay \$125,000, as opposed to \$60,000 for a similar mailing on February 17 or after.

A postage rate escalation of this magnitude would mean the difference between survival and destruction of private efforts to aid the blind. The additional amount paid to USPS would be taken directly from program services, which now help the blind. It would also be impossible to contact new potential contributors to raise additional reve-

nues. If communications with blind persons and the public at large are cut, a time bomb is created since fewer people will understand anything about blindness, and even fewer will know of the continuing need to help. The inevitable result is a downward spiral, with fewer people helped and fewer people helping. Soon the self-help organizations of the blind will be destroyed. These are the unanticipated ripple effects of rising postal rates, but they are nonetheless very real. The ability to communicate at an affordable cost is vital. Without it many worthy efforts on behalf of the nation's blind will diminish or die altogether. Since thirty to forty thousand Americans become blind each year, there must either be continued widespread mailings to the general public to inform them about blindness and how to deal with it, or else an increasing number of the newly blinded will not be found until it is too late and they are hopelessly doomed to continuing dependence.

FACT SHEET

FOOD SERVICE IN FEDERAL BUILDINGS: THE THREAT TO THE BLIND PRIORITY

Background

The Blind Priority: According to a 1936 law (the Randolph-Sheppard Act and its 1974 amendments) blind people are to have priority in the operation of vending facilities on all federal property. This priority includes the granting of federal space and utilities to support

business opportunities for the blind. The 1974 amendments specifically brought cafeterias located on federal property under the priority intended for the blind. Other vending facilities covered are newsstands, snack bars, vending machine operations, gift shops, and the like.

Authority for rulemaking and enforcement of the Randolph-Sheppard Act is vested in the Secretary of Education. The only limitation to the blind priority which the law permits is a finding that a facility or facilities to be operated by the blind "would adversely affect the interests of the United States." Only the Secretary of Education can approve this finding.

Under the law blind persons in each state may operate vending facility businesses once they are trained, qualified, and licensed by the state vocational rehabilitation agency serving the blind. The state rehabilitation agencies also negotiate on behalf of blind vendors to obtain agreements with federal property managers for vending facility sites. Thus, the statutory scheme involves both federal and state agencies, which are expected to cooperate in developing viable small business opportunities for blind people.

Current Abuse of the Blind Priority:

The principal property-managing agencies required to observe the blind priority are the General Services Administration (GSA), the United States Postal Service (USPS), and the Department of Defense (DOD). Actions of these agencies in awarding space for vending facilities will largely determine whether the blind priority is observed or abridged.

In January, 1984, GSA attempted to

award a contract to a fast-food chain for cafeteria services at its main headquarters in Washington. Bids were invited, but the solicitation did not permit a response on behalf of blind vendors by the rehabilitation agency for the District of Columbia. Congress and the blind protested, and the plan was withdrawn. GSA then conducted successful negotiations to have the cafeteria assigned to a blind vendor. Meanwhile, GSA has not solicited bids for fast-food cafeteria service in other buildings outside of the main headquarters in question.

In July, 1984, the USPS was ordered to make vending facility space available to a blind vendor in Wisconsin pursuant to a court challenge brought under the Randolph-Sheppard Act. The postal service had attempted to open a new main post office in Green Bay, Wisconsin without giving the blind vendor at the previous main post office an opportunity to move his vending machines to the new site. The court enjoined the postal service from soliciting commercial bids for the space and granted an order permitting the blind vendor to move his vending machines to the new building.

In June and again in August, 1984, DOD approved contracts with the Burger King Corporation and McDonald's for fast-food hamburger-type restaurants at Army and Navy bases located in the United States and abroad. In a lawsuit brought by several organizations (not including the National Federation of the Blind) to challenge DOD's actions, U.S. District Court Judge Barrington Parker ruled that DOD's use of the bidding system to award sites to Burger King and McDonald's did not violate the Randolph-Sheppard Act. His opinion (issued January 7, 1985)

places in serious jeopardy the entire blind priority to operate all types of vending facilities on federal property. Among other things, Judge Parker said that Congress would have to decide whether the blind priority should be exercised over economic considerations used in awarding national contracts to Burger King and McDonald's. The opinion said Congress has not spoken on such matters in the Randolph-Sheppard Act or otherwise although it clearly could have done so.

Recommended Action: Blind people recommend the following actions to avoid further erosion of the Randolph-Sheppard Act's blind priority:

(A) Congress should use oversight, appropriations, and other methods (including approval of a joint or concurrent resolution) to express dissatisfaction with the growing trend toward abuses of the blind priority. Appropriate committees and subcommittees of the House and Senate should take steps to insure that property-managing agencies within their jurisdiction are held accountable for any actions or proposed actions which threaten to have an adverse impact upon the blind vending program. Further amendments to the Randolph-Sheppard Act are not needed if Congress now pursues other remedies to control current abuses.

(B) The Secretary of Education should be urged to exercise strong leadership (as required by the Randolph-Sheppard Act) to control current abuses of the blind priority. At a minimum the Secretary should establish effective procedures for implementing that portion of the Randolph-Sheppard Act which reads in relevant part: "Any limitation on the placement or operation of a vending

facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary of Education who shall determine whether such limitation is justified. (See 20 U.S.C. 107(b)(2))." In the ten years since original enactment of this provision, no mechanism has been established for Secretarial reviews of limitations imposed by property-managing agencies. Yet, it is clear that limitations are being imposed.

FACT SHEET

INSURANCE DISCRIMINATION AGAINST THE BLIND

Proposed Legislation, the Fair Insurance Coverage Act—Purpose: To prohibit discrimination in insurance on the basis of blindness or degree of blindness.

Background: The myths and misconceptions about blindness in our society today often manifest themselves in stereotyped thinking which, upon reasoned examination, has no basis in fact. Thus, the blind become victims of unreasonable and detrimental practices that are not supported by reliable evidence. This is how discrimination works against any minority. But the problem is particularly acute for blind people because of the attitudes of kindness and charity that are commonly exhibited toward them.

Practices common in the insurance industry exemplify the problem. Discrimination against the blind by insurance companies occurs when blind people are denied coverage or are required to

pay extra premiums based solely on grounds of blindness. Sound actuarial statistics do not exist to demonstrate that blindness results in increased risk for insurance carriers. Yet, underwriting rules followed by many companies require extra premiums, place limits on coverage to be provided under certain conditions, or in some instances deny coverage altogether. Some companies will sell their policies at standard rates if a blind person is a "healthy, well-adjusted individual." But these requirements (whatever they might mean) are not specified for non-blind applicants or policy holders.

The Fair Insurance Coverage Act, Prohibitions Companion bills called the "Fair Insurance Coverage Act" were introduced in the Second Session of the 98th Congress by Representative Jim Bates of California and Senator Charles Mathias of Maryland. The legislation (expected soon to be re-introduced in the 99th Congress) seeks to enact a federal prohibition against insurance discrimination based on blindness or degree of blindness. If enacted, the Fair Insurance Coverage Act would establish a federal policy that no insurer shall, because of blindness or degree of blindness, (1) refuse to make insurance available to any applicant for insurance; or (2) treat any blind applicant or insured differently than any other applicant or insured with respect to the terms, conditions, rates, benefits, or requirements of any insurance policy or contract. Observing these requirements means that insurance rates and coverage for blind people will be the same as for sighted people. Conjecture and belief about hazards due to blindness (used in the past to establish special rates or

more limited coverage) will not be permitted.

The Fair Insurance Coverage Act implements the policy herein described by clearly defining "discriminatory actions." States which currently have (or may later enact) laws relating to insurance discrimination based on blindness or degree of blindness are given prime responsibility for enforcement within certain time limits during which complaints of discrimination could not be brought in federal or state courts of jurisdiction under the Fair Insurance Coverage Act. In states where laws do not exist, or if enforcement does not occur within the time limits specified, enforcement of the Fair Insurance Coverage Act can occur by civil action brought in an appropriate United States District Court or in a state court having jurisdiction. The attorney general of the United States is also authorized to file suit for enforcement of this Act on issues determined to have sufficient public importance. Penalties include recovery of actual and punitive damages.

Need for Legislation The need for legislation to prohibit insurance discrimination against the blind has been documented by the National Association of Insurance Commissioners (NAIC) in a model insurance regulation, revised in December, 1984. The model rule identifies discrimination based on blindness as an "unfair trade practice." NAIC's revised model regulation was issued in December, 1984, after it was found that several insurance companies were continuing to discriminate on the basis of blindness. As the commissioners noted in the original report accompanying the

model regulation, there is no factual basis for the "belief" that blindness constitutes an increased risk. If the blind were actually a greater risk, it would not be a discriminatory practice to charge higher rates or deny coverage. However, the practice of classifying the blind into a category of increased risk, without any basis in fact constitutes discrimination.

Backed by the National Association of Insurance Commissioners' Model Regulation, thirty-five states have currently enacted laws or regulatory prohibitions relating to insurance discrimination

based on blindness. But despite these positive moves, discrimination still exists in many jurisdictions. It has also proven difficult to combat the policies of a multi-state industry on a state by state basis. Therefore, instead of prohibiting discrimination on an intra-state basis the Fair Insurance Coverage Act would put in place a national standard (applicable industry-wide) fulfilling objectives of free commerce throughout our nation and protecting the interests of the public at large.

UNETHICAL AND UNPROFESSIONAL

At the NFB convention in 1982 William Gallagher, Executive Director of the American Foundation for the Blind, seemed very sensitive and defensive concerning the question of whether the Foundation had contributed money to the so-called "Affiliated Leadership League of and for the Blind" (ALL) as a pass-through to help finance Bob Acosta's lawsuit in California. Mr. Gallagher did not deny the contribution to ALL but made a general comment to the effect that it was not unusual for the Foundation to help finance the program of a relatively new organization. At that time we did not have the specific details about dollars and cents. Now, we do.

The American Foundation for the Blind operates on a fiscal year from July 1

through the following June 30. For fiscal 1982 the Foundation (according to its tax returns) gave \$85,000 to the Affiliated Leadership League of and for the Blind (ALL). ALL's 1982 tax returns show that it had total program expenses of \$107,553. It further reported that it gave \$41,737 (38.8 percent of its total program expenditures) to what it called "The California Legal Research Committee, a Committee of the California Council of the Blind." From the tax returns of the American Council of the Blind we gain additional information. ACB reports that in 1982 it gave \$27,500 to ALL for "Research and Education Project and General Contribution." When the ACB contribution of \$27,500 is added to the American Foundation for the Blind contribution of \$85,000, the figure is

\$112,500. It can readily be seen that this is almost \$5,000 greater than the total \$107,553 program expenditures made by ALL for the entire year.

Yet, there are still those who say with a straight face that ALL is not a "front" organization and a mere conduit. Current tax laws require that non-profit organizations assume some responsibility for monitoring expenditures of the grants they make to assure that expenditures are made in accordance with stated purposes and with provisions of the Internal Revenue Code. If the Bob Acosta group in California had been carrying on a lawsuit to defend the legitimate civil rights of a blind person, the Foundation and ACB might have some grounds for defending the legality of their contribution even though its propriety and ethical justification would seem to be totally lacking. However, Acosta was not engaging in a legitimate lawsuit to defend the civil rights of a blind person. He was leading a group which claimed to be part of the National Federation of the Blind in a struggle for internal political power. All parties agree that the lawsuit involved an internal Federation battle. It had nothing to do with external problems but was an attempt by a disappointed local leader to thwart the will of the convention and Board of Directors of the National Federation of the Blind. There can be no possible justification for an outside organization to finance an internal lawsuit in another organization. Under the circumstances it is not surprising that the funds were laundered. This case provides irrefutable proof as to the real character and purpose of the so-called Affiliated Leadership League of and for the Blind.

What other laundering may have occurred? What may still be occurring? Surely no one would care publicly to defend the practice of financing an internal lawsuit in another organization for the purpose of trying to weaken or destroy it—especially, if the target group has been making embarrassing and unrefuted exposures concerning the parties doing the financing. To finance an internal lawsuit for the purpose of eliminating a troublesome critic is not only unethical and unprofessional but also most probably illegal.

In fact, the entire American Foundation for the Blind-American Council of the Blind-Affiliated Leadership League of and for the Blind-NAC combine engages in practices which it would surely not want to be the subject of public scrutiny. The tax forms of the American Foundation reveal that it continues to provide more than half of the entire budget of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). The 1981 and 1982 tax forms of the American Council of the Blind show contributions to NAC. ACB and American Foundation leaders sit on the NAC board. ACB leaders sit on the Foundation board. Leaders of these three groups make up the principal leadership of the Affiliated Leadership League.

There is more! The tax laws require that a non-profit organization making a grant to another organization or individual must list on the tax form the recipient of the grant. The 1981 tax form of National Industries for the Blind shows that it made contributions of \$90,000, but there is no indication as to who received the money or for what purpose the grant was made. Yet, we are

constantly being told that these groups are very "ethical," very "professional." Is it any wonder that the blind have lost faith in many of the governmental and private agencies established to give

them service? Is it any wonder that the claims of ethical conduct and professional behavior are viewed not with respect but bitter humor?

BATON ROUGE RESTAURANT REFUSES TO SERVE BLIND PATRONS

by Joanne Fernandes

(Note: Joanne Fernandes is the dynamic and capable President of the National Federation of the Blind of Louisiana. The following article appeared in the January, 1985, Pathfinder, the organization's newsletter. It illustrates graphically the raising of consciousness which is occurring throughout the state and the reasons for the explosive growth of the affiliate.)

Discrimination still exists concerning the blind. On Tuesday, November 20th, 1984, Ivan Merritt, Joseph (my husband), four of our children, and I entered the Tiffin Inn on Airline Highway in Baton Rouge. Ivan was accompanied by his dog guide, and the waitress refused to serve us, saying that it was against the restaurant's policy to allow dogs in their establishment. We informed her of the Model White Cane Law. She still refused to serve us. We decided to use this experience to make the public aware of still-existing discrimination against the blind. I phoned the Attorney Gen-

eral's office and spoke to Jim Herlicka, the Assistant to the Attorney General. Mr. Herlicka, in turn, phoned the restaurant and informed them of the law and of the penalties which could be enacted if they continued to violate the law.

The restaurant owner still refused to serve us. I then phoned Channel 2 and Channel 33, and the Baton Rouge newspaper, The Morning Advocate, to inform them of the discriminatory situation.

We wanted to use this opportunity to educate the public about dog guides and the rights of the blind.

The story was covered in the six and ten o'clock news on both t.v. stations and in the newspaper that afternoon.

After these publicity interviews, three hours after entering the restaurant, we were served our breakfast. The response of the other patrons in the restaurant was overwhelmingly positive. Many of them offered to leave their names and addresses with us in case we needed witnesses to this injustice.

We could have gone to another resta-

rant to have our breakfast that morning. But then the issue went much deeper than having our breakfast that morning. Black people reached their destination just as quickly by riding in the back of the bus as they would have by riding in the front of the bus. This minority fought for their rights to be treated equally. The blind, as an emerging

minority, must also work, through legislation and public education, for first-class citizenship and equality. We were instrumental in getting the "Civil Rights" legislation, the Model White Cane Law, passed in Louisiana. We now need to insure its enforcement by educating the public about the rights of the blind.

JON DEDEN WINS AWARD AS STOCK BROKER

Jon Deden is a member of the National Federation of the Blind of Colorado. He is also successfully employed as a stock broker. The employment might never have happened if it had not been for JOB (Job Opportunities for the Blind), the program the Federation operates in conjunction with the United States Department of Labor. It certainly would never have happened if Jon had not been capable and energetic.

In a news release issued January 31, 1985, Blinder, Robinson (the company which employs Jon) tells the story:

January 31, 1985
For Immediate Release

**Blind Stock Broker
Beats the Odds
With the Help of
Blinder, Robinson, & Co., Inc.**

(Englewood, Colorado)—The odds were

definitely against stock broker Jon R. Deden of Littleton, Colorado, when in December and twice in January he qualified for the Champagne Award of his firm, Blinder, Robinson & Co., Inc. (the largest broker-underwriter of low priced stocks in America), by personally accounting for more than \$1,000 in gross commissions in a single day. When he accomplished that feat, the 23-year-old Deden had been a licensed broker for just one month. And, what's more, he is blind!

The very fact that Deden had managed to become a broker was, in itself, a personal triumph against heavy odds. When he was licensed in early November, he became the first blind person to earn the right to be a broker in the state of Colorado.

From the time of his birth, Deden's life has been dramatically affected by heavy odds. His older sister, Julie, was born with retinitis pigmentosa, an eye disease that causes increasing blindness as time goes on. According to

medical statistics, it was a one-in-a-million shot that a second child in Deden's family would be similarly stricken—yet he was.

Blessed with a bright mind and an energetic spirit, Deden persevered, excelled at his schooling, and ultimately, in the spring of 1984, earned a bachelor's degree in marketing from the University of Northern Colorado at Greeley.

For a blind person, finding a place in the job market is the ultimate challenge. With the help of the Colorado chapter of the National Federation of the Blind and the Federation's Job Opportunities for the Blind program Deden filled out many applications and had numerous job interviews, all to no avail.

Commenting on general employer attitudes toward the blind, Deden notes: "I wouldn't say that employers want to discriminate against the blind. It's more a matter of their fear of dealing with the unknown. They just don't realize how much blind people are capable of doing."

Last August George Lippman, resident manager of the Blinder, Robinson Englewood office, was very impressed by the abilities of another blind young man, Brian Johnson, who made a solicitation phone call to him on behalf of the National Federation of the Blind. Lippman suggested to Johnson that he could be a successful broker, something Johnson was not interested in at that time.

With his new awareness of what blind people were capable of doing, Lippman conferred with Meyer Blinder, president of Blinder, Robinson & Co. and got the go-ahead to contact the local office of

the National Federation of the Blind to see if they could recommend another talented blind person who might want to become a Blinder, Robinson broker. The Federation had an excellent prospect—Jon R. Deden.

"It was wonderful experience for us," notes Diane McGeorge, president of the National Federation of the Blind of Colorado. "We usually have to work hard to convince companies of the contributions blind people can make. It's rare when an employer—like Blinder, Robinson—will come to us requesting a qualified applicant."

Deden was on his way, but he still had a big hurdle to overcome—the broker licensing examination administered by the National Association of Securities Dealers. This Series 7 test consists of 250 written questions and usually takes six hours to complete.

With the help of a volunteer reader, Deden took the test in October and missed passing it by a few points, a not uncommon occurrence the first time around. There was a delay in arranging for a second test, but with the help of the National Federation and the timely intervention of Blinder, Robinson with the National Association of Securities Dealers, Deden got his second chance and passed.

Deden had one more hurdle to overcome—a three-week broker training program. Blinder, Robinson is the only underwriter and brokerage of low priced stocks that requires new employees to attend an intensive in-house training program which teaches brokers about the financial industry and the regulatory requirements to function within it. It's a difficult course that also includes extensive study of all the

financial services that the firm offers. Ultimately many candidates are weeded out by the company during this period. But once again Deden overcame his handicap, and because of his dedication and intelligence scored high and earned a broker's position in the company's Englewood office.

"I knew what I could do if someone gave me the chance," Deden says. "Unfortunately, until Blinder, Robinson, nobody was willing to give me that chance. People like Meyer Blinder and George Lippman are rare and wonderful human beings, and it's a real pleasure working for them."

Deden's motto, in relation to sighted people, is: "I can do everything you can do, but I might have to do some things differently."

So, on the job he uses a Braille typewriter and a special pocket calculator that announces the time and calls out the numbers he pushes and the total of any calculation. He also has the services of a reader to help him prepare material for his business calls. A

fellow employee provides him with rides to and from work.

"We were just as thrilled as was Jon when he won the Champagne Award," says Blinder. "We were convinced of his capabilities when we hired him but could hardly have expected such dramatic evidence of his ability after just one short month on the job. Jon is a splendid person and a dedicated worker from whom we expect much bigger things in the future."

Now firmly dedicated to the cause of providing opportunity for blind people of demonstrable ability, Blinder is working closely with the National Federation of the Blind and the National Association of Securities Dealers to place capable blind people in the company's other 24 offices located throughout the United States.

"What we're doing is not altogether altruistic," says Blinder. "To succeed, we need dedicated people. Blind people really want to work. If we help them, they'll help us."

FIRST NATIONAL CONFERENCE ON THE STATUS OF EDUCATION AND THE BLIND

by Jim Mitchell, President
Student Division
National Federation of the Blind

The "National Conference on the Status of Education and the Blind" will be held in conjunction with the annual convention of the National Federation of the Blind on June 29, 1985, at the Galt

House Hotel in Louisville, Kentucky. The day-long conference is jointly sponsored by the NFB Student Division, the National Association of Blind Educators, the National Association to Promote the

Use of Braille, and the NFB Parents of Blind Children Division. The purpose of the meeting is to evaluate the current status of primary, secondary, and post-secondary education of the blind. Presentations will focus on today's approaches in education and developing new directions for the future.

Session I, chaired by Fred Schroeder, Director of Low Incidence Programs for the Albuquerque Public Schools, is entitled "The Skills of Blindness—Foundations for Success." The various alternative techniques used by the blind will be discussed with reference to their educational and social applications. The importance of how these skills are taught and the attitudes necessary for their successful use will be explained along with a slide presentation demonstrating the implementation of these concepts in the Albuquerque public schools.

"Parents, Educators, and the Organized Blind—Role Models and Reinforcement" is the title of Session II. The chair, Barbara Cheadle (Editor of Future Reflections and mother of a blind son) will lead a panel of parents and educators in a discussion of the importance of approaching educational goals in an integrated manner. The effect of positive role models and reinforcement at home on young children will be a topic of discussion. Also, the need for involvement by the National Federation of the Blind in Individualized Education Programs (IEP's) and local school districts and how this has been done will be covered.

Session III will be chaired by James Gashel, NFB Director of Governmental Affairs, and is entitled "Post-secondary Education and Rehabilitation—Where Do

We Draw the Line?" A panel of professionals from both fields will debate the controversy surrounding the current status of higher education and the blind. Among the questions to be addressed are: What services should be provided for blind college students? Who is responsible for providing these services? How should services be structured to promote independence? How should the financial burden for tuition, auxiliary aids, and supplies be handled and by whom?

Jim Mitchell, NFB Student Division President and doctoral student at Duke University, will chair Session IV, "Successful Students—The Consumer's Perspective." Students from primary education through graduate school will comprise this panel. How today's student makes it through the myriad of rules and regulations, itinerant teachers, resource rooms, and special programs and manages to get an education will be the main theme of this session. The "experts" will discuss various strategies and alternative techniques they have employed to be successful in educational and social settings. The impacts of special education, mainstreaming, vocational rehabilitation, and Social Security on the lives of each student will be discussed.

"Teaching our Educators—The Role of the Organized Blind" is the title of Session V, to be chaired by Dr. Homer Page of the University of Colorado at Boulder. This panel, comprised of professionals in the field of teacher education, will review the current status of educating teachers of the blind.

The colleges and universities across the country are minting new teachers of the blind each year. What attitudes

toward blindness are the teacher education programs instilling in their students, and what basic skills of blindness are the new teachers learning? How well prepared are these new teachers to work with blind children that they will actually work with in the schools?

These and crucial other issues will be pursued with a panel well prepared to discuss them.

The various viewpoints presented in each panel promise to provoke spirited,

in-depth, and informative discussion. As time allows, questions will be taken from the audience. Everyone is welcome, especially students, parents, and educators. For more information on the First National Conference on the Status of Education and the Blind, please contact: Jim Mitchell, President, National Federation of the Blind Student Division, 2752 Middleton Avenue #29H, Durham, North Carolina 27705.

RECIPES

RUN FOR THE ROSES PIE

by Mary Beaven

Mary Beaven is one of the leaders of the NFB of Kentucky. Since we are holding the national convention in Louisville this summer, her recipe seems particularly appropriate. She writes:

"Dear Monitor readers: Here is a recipe to start you thinking about your trip to the Derby City for our national convention this year. The recipe has many variations in name and content, and is often served at festivities during derby week."

1 cup chocolate chips

3 eggs slightly beaten
1 cup sugar
1/2 cup butter or margarine (melted)
1/2 cup flour
1 cup walnuts coarsley broken
1 tablespoon vanilla
1 9" unbaked pie shell

Mix flour and sugar; add eggs and butter; fold in nuts, chocolate chips, and vanilla; pour into shell and bake at 350 degrees for thirty minutes. Best served warm with whipped cream.

LAMB CUTLETS REFORM

by Harvey Webb

(Note: Harvey Webb now lives in Kansas City. He is a former member of the national Board and a former President of the National Federation of the Blind of Louisiana. He sends the following correspondence and recipe.)

Kansas City, Kansas
February 27, 1985

January 15, 1985

Dear Monitor:

A few months ago when several NFB members attended the Society for the Advancement of Travel for the Handicapped conference in London, thanks to the chef at the London Tara Hotel, I became addicted to lamb—not just any lamb, but to that served at the luncheon we attended in the hotel.

After returning home my mind kept wandering to that succulent dish, so taking the bull by the horn, or the lamb by the fleece, I wrote the manager of the Tara (a Mr. E. Dillon) and asked him for the recipe. The enclosed arrived shortly thereafter. I thought the Monitor readers may be interested in this genuine, honest to God, no holds barred, English recipe. Who knows, maybe it isn't English at all, but it's good.

London, England

Dear Mr. Webb:

Thank you very much for your most kind letter of 8 January.

I am delighted that you and your wife enjoyed your stay with us at the London Tara and also that we managed to "convert" you to lamb.

I am enclosing a copy of the recipe for the Lamb Cutlets Reform and hope that you will have pleasure in preparing as well as eating the dish.

I hope that one day in the future you and your wife will indeed be able to return to London and will once again stay with us at the Tara. We would certainly enjoy welcoming you back here.

In the meantime may I wish you both a very happy 1985.

Yours sincerely,
Eoin Dillon
Director/General Manager

Cut a rack of lamb into cutlets (or buy specially prepared from your butcher). Dip cutlets into flour and then into beaten egg and finally bread-crumbs. Shallow fry these in butter.

REFORM SAUCE:

Place in a pan: 1 small onion,

chopped; some crushed black peppercorns; a pinch of thyme. Add to this 1/4 cup of white wine and 1/4 cup of vinegar. Reduce this until almost all disappeared.

Add to this a rich brown sauce (demi-glace) and simmer for 20 minutes.

Whisk a little redcurrant jelly.

Strain through a fine sieve.

Garnish the sauce with fine strips of

ham, tongue, gherkins, egg white, and sliced mushrooms.

DEMI GLACE:

Melt 3 ounces of butter, add flour, and cook, stirring continuously until the mixture is a nut brown color. Add 1 pint of brown (beef or veal stock) and simmer for 2 to three hours until thick.

MONITOR MINIATURES * * * * *

**Officers:

The 1985 officers of the Columbia Chapter of the NFB of South Carolina are: President, Marshall Tucker; Vice President, Frances Messer; Secretary, Gail Coppel, Treasurer, Irene Hudson; and Social Director, Earnest Gallman.

**Portable Tape Player:

We have received the following announcement from Innovative Rehabilitation Technology, Inc., 26699 Snell Lane, Los Altos Hills, California 94022; telephone 415-948-8588:

"IRTI has introduced a new handheld cassette player called 'Talking Tape Player,' which will allow you to listen to the 4-track Library of Congress tapes, 2-track standard cassettes, and your favorite stereo music tapes. You can order the TTP-1 now.

"The Talking Tape Player is an adapted Sony Walkman (R) which weighs 11.5 ounces and is about the size of a small

paperback book. The unique advantage of the TTP-1 over other Units is that it has a reverse feature. The player automatically changes track and direction at the end of a tape or if desired you can select track or direction during play mode by the press of a button.

"Listening is done through high quality stereo earphones or plug external miniature speakers, or connect your TTP-1 to your home system with a patch cord. IRTI is offering a variety of accessories to enhance your listening pleasure.

"Your Talking Tape Player comes with stereo earphones, shoulder strap, batteries, and cassette instructions. Every effort has been taken to preserve the Sony quality and performance. We even included speed adjust for Library of Congress playback mode.

"The IRTI introductory price: \$110 plus \$3 for shipping and handling. The A.C. adapter is \$19. Enquire about our optional accessories such as miniature speakers, battery holder, patch cords, etc. Our hours are 8 to 5 weekdays and

9 to noon on Saturdays California time."

****Appointed:**

Barbara Pierce writes:

"We in Ohio are rejoicing, and we want everyone to share our good news. On February 25 Bob Eschbach began service as Assistant Director of the Bureau of Services for the Visually Impaired (BSVI). His duties will include representing the Director both outside and around the state. In her absence, he will act for her administratively. The blind of Ohio are truly fortunate to have a man of Bob's caliber and an advocate of his conviction working for us. Bob will continue to serve both on the Board of Directors of the National Federation of the Blind and on the Executive Committee of the NFB of Ohio."

****Blind Tuners National Gathering:**

We have been contacted by Stanley Oliver, Chairman of the Visually Impaired Committee of the Piano Technicians Guild, 1965 East Outer Drive, Detroit, Michigan 48234; 313-891-9226. Mr. Oliver says in part:

"July 16th through the 19th, 1985, at the Hyatt Regency, Kansas City, Missouri, the Piano Technicians Guild will hold its international convention with about one thousand expected to attend. An important segment will be the visually impaired with special classes in grand regulation directed by three top Kimball technicians." For further information, contact Mr. Oliver.

****Convention of Deaf-Blind:**

We have been asked to carry the following announcement:

"The Tenth Annual Convention of the American Association of the Deaf-Blind

(AADB) will be held at Montclair State College, Upper Montclair, New Jersey, from Sunday evening, June 16th, to Sunday morning, June 23rd. The theme of the Convention is 'Overcoming the Obstacles.' We invite all deaf-blind individuals to register for an outstanding convention.

"The fee for AADB members is \$190, \$210 for deaf-blind people who are non-members, and \$260 for all others. This includes room at the college plus a total of 21 meals.

"We anticipate an attendance of over 200 deaf-blind participants, and we need interpreters and guides to volunteer their services. Naturally, we will waive the registration fee for interpreters and guides.

"For further information, please contact Florence Pressman, Conference Coordinator, 1985 AADB Convention, 1188 Raymond Boulevard Room 303, Newark, New Jersey 07102."

****Wedding:**

Michael Huckaby and Kelly Cummings announce their wedding in Sacramento, California, March 9, 1985. Kelly is Vice President of the Sacramento Chapter. Michael is a member. Congratulations.

****Moving:**

"I live in Bakersfield, California. I'm planning on moving to Nashville, Tennessee, in early September of this year. I want information on housing and other important information from those persons living in Nashville. I would like to hear from any of you as soon as possible. You may reach me in the following manner with Braille or cassette only. Please write: Michael Killian,

1000 McDonald Way #44, Bakersfield, California 93309; or phone 805-397-6824 almost any time."

****Elected:**

The following people were elected at the January, 1985, meeting of the Jefferson City, Missouri Chapter: President, Rita Lynch; Vice President, Brian Wekamp; Secretary, Betty Walker; Treasurer, Alvin Toebben; Board Member, Dick Schell; and Board Member, Teresa Myers.

****Right on Red:**

E.U. Parker sends us the following excerpt from the Pacesetter for January, 1985:

"Right-on red turns: Maybe a wrong idea

"The Insurance Institute for Highway Safety reports bad reviews on the effect of laws permitting right turns on red lights.

"At nearly 80 percent of signalized intersections where drivers may turn right on red, right-turning crashes increased by 23 percent, impacts with pedestrians rose by 60 percent, and bicyclist crashes with cars rose a hundredfold.

"Between 1974 and 1980 all states adopted statutes permitting right-on-red turns unless prohibited by a sign. Only New York prohibits the law."

****Elected:**

Jane Sprague writes:

"The Treasure Coast Chapter in Stuart, Florida, has elected new officers for 1985. They are: President, Harry Collier; Vice President, Sam Sitt; Secretary, Jane Sprague; and Treasurer, Elaine Sweitzer. Harry Collier was a

Federationist in West Virginia and president of a chapter."

****Honored:**

Karen Mayry, President of the NFB of South Dakota and one of the most energetic leaders of the Federation in the country, recently received the following letter from Dr. Richard A. Schleusener, President of the South Dakota School of Mines and Technology:

"January 18, 1985

"Dear Mrs. Mayry:

"The South Dakota School of Mines and Technology will hold its 34th Annual Honors Recognition Ceremony on Friday, March 15, 1985.

"It is the custom of the college on this occasion to present an award for meritorious achievement to one or more persons in the state for outstanding contributions in education or public service. Our Honors Convocation Committee has selected you to receive special recognition this year for your contributions to public service in the community. It is my pleasure to extend an invitation to you to participate in our Honors Recognition Ceremony and to receive the Mines Service Award for Outstanding Public Service."

****Dies:**

Hazel Staley writes to tell us of the death of Ralph Wilkins:

"In the afternoon of January 1 Ralph began to suffer chest pains. An ambulance was called and he went to the hospital. He died that night. Ralph was a former state board member and was always present at our state convention. He also attended several national conventions."

****Diabetic Committee Announces:**

Dialysis will be available during the national convention in Louisville. Interested people should contact Eileen O'Brien, 791 Cambridge Avenue, Elmhurst, Illinois 60126; telephone 312-832-5960 by June 1.

****Elected:**

At the December, 1984, meeting the following people were elected as officers of the Clark County Chapter of the NFB of Washington: President, Mike Freeman; Vice President, Carol Wedrick; Secretary, Doug Trimble; and Treasurer, Al Sanchez.

****Speller:**

The National Braille Press, Inc., 88 St. Stephen Street, Boston, Massachusetts 02115, announces that it has developed a Speller to be used with the VersaBraille. They say:

"The Speller by Simon and Schuster is a quick and accurate guide to the spelling and syllabification of 33,000 words. Using your VersaBraille and the Speller, you can quickly find any word using a chapter by chapter index, and helpful guide words at the top of each page. Price is \$20 (U.S. and Canada) or \$30 (foreign)."

****15th Annual Convention:**

Sherri Hicks writes:

"The 15th annual convention of the National Federation of the Blind of Florida was held January 25, 26, and 27 in Daytona Beach, Florida, at the Whitehall Inn. The convention began with registration and hospitality Friday evening. The convention Saturday featured the report from our national representative Jim Gashel, and several

other interesting speakers. The highlight of the convention was the banquet Saturday evening with an inspiring speech by Jim Gashel. Sunday morning the business session was held. At this time two new board members were elected: Sam Sitt from Stuart, Florida, and Marilyn Baldwin from Orlando. The Federation is on the move in Florida, and we look forward to an even bigger and better convention next time."

****Who's Who:**

Laurie Eckery, one of the leaders of the NFB of Nebraska and a graduate student at the University of Nebraska at Omaha, will be included in the next edition of Who's Who in American Universities to be published in June of 1985. Congratulations to you, Laurie.

****Elected:**

On December 15, 1984, the Jackson Chapter of the NFB of Mississippi elected the following: President, Samuel Gleese; First Vice President, Hugh Barlow; Second Vice President, Ms. Mary L. Sanders; Secretary, Ms. Sarah White; and Treasurer, Mrs. Mary Reed. Elected to the Board were: Ms. Gwen Stokes and Mrs. Patricia Harris.

****Material in Braille and on Cassette:**

Visualtek has issued a news release, which says in part:

Visualtek is now producing products for the blind, and will provide literature for these products in Braille free of charge upon request. In addition, "News and Views" and "RE/News," two Visualtek newsletters mailed to blind and partially sighted individuals, rehabilitation agencies and educational institutions are available on cassette

free of charge to blind persons requesting them....Visualtek's first product for the blind is the MBOSS-1 Braille Printer available late January, 1985. MBOSS-1 product literature, including the User's Manual, is offered in print and Braille. Braille product literature and newsletter cassettes can be obtained by calling Visualtek's toll free number (800) 345-2256; (800) 521-5605 (in California).

****Keeps on Trucking:**

One of the articles in the January, 1985, Blind Missourian says in part:

"St. Joseph Keeps on Trucking. On December 7, 1984, the NFB of St. Joseph visited five libraries in our community. Our purpose was to donate literature and books concerning blindness. These libraries appeared to be thrilled with this information and received our contributions warmly. We also visited a local elementary school, where we spoke with the second and sixth graders."

****Commendation from Governor:**

Governor Mario Cuomo of New York recently wrote as follows to Federationist Brad Greenspan:

"On behalf of the people of the State of New York, I express our appreciation for your contributions to the areas of advocacy and service procurement for handicapped persons.

"Your work through the Suffolk County Office for the Aging and as a member of the Coordinated Outreach Advisory Council to the Suffolk Cooperative Library System has helped to improve the quality of life for many senior citizens and handicapped persons.

"As First Vice President of the National Federation of the Blind of

Greater Long Island and as an officer of the Central Islip Lions Club you have shared your knowledge of resources and voluntary services available for disabled persons.

"Your dedicated and untiring work on behalf of the blind is appreciated by the recipients, as well as your other friends and neighbors."

****Court Reporting:**

For many years a few blind individuals have found employment as court reporters. However, the difficulty in being able to read back testimony immediately upon request has severely limited such employment. Now, Curtis Willoughby, owner and manager of Willoughby Enterprises, Inc., announces a breakthrough. He says that he has developed a system using a paperless Braille machine, a computer, and a computer compatible stenotype machine which enables a blind court reporter to give immediate read-back of testimony. Willoughby Enterprises, Inc., says that it can provide the equipment, software, and training at a competitive price. For further information contact: Willoughby Enterprises, Inc., 2711 54th Street, Des Moines, Iowa 50310; 515-277-8478.

****Dies:**

We have just learned of the death of Howard Hanson. Federationists will remember that Hanson was formerly head of services for the blind in South Dakota, a NAC board member, and President of the American Association of Workers for the Blind. At one time he held membership on the board of directors of the American Foundation for the Blind, as well as various other leadership positions in the agency establishment of the nation.

In recent years Hanson had lived in Little Rock, Arkansas, where he had reportedly been increasingly in bad health. He was born in 1924 and died in Little Rock February 21, 1985.

****New Baby:**

Steven Henry and Terry Thibodeau Henry (members of the NFB of Louisiana) have recently become the proud parents of a baby boy. Steven is known to Monitor readers for his historic victory in his complaint against the United States Postal Service. Terry gave birth to James Charles Henry at 8:30 a.m. on March 4, 1985, at Tulane Medical Center in New Orleans. The baby weighed 7 pounds, 15 1/2 ounces, and was 19 inches long. Steven and Terry met at an NFB convention.

****Honored:**

Federationist Judy Mares Dixon of Boulder, Colorado, is listed in Esquire's 1984 Register. The editors say that those who are listed constitute "The Best of the New Generation, Men and Women Under Forty Who are Changing America." The editors further say: "The men and women honored in this issue were discovered and selected as the result of an unprecedented national search. For more than two years sixty editors, reporters, and researchers probed deeply into all regions of the nation, looking for those people under forty years of age whose lives and work exemplified America's highest qualities and values. Courage. Originality. Ingenuity. Vision. Selfless service."

****Wyoming:**

Deanna Morss, President of the NFB of Wyoming, writes:

I am writing to inform you of a new chapter in Wyoming and to give you other information about the affiliate. The new chapter is the National Federation of the Blind of Fremont County. Fremont County includes: Shoshoni, Riverton, Hudson, and Lander. The Fremont County Chapter met Sunday, February 23rd at the Fremont County Library in Lander. The chapter voted on a Constitution, elected officers, and voted on a fundraising project. The officers are as follows: Nancy Siebken, President; Reggie Dockham, Treasurer; and Cathy Fernandez, Secretary. The chapter plans to alternate the meetings between Riverton and Lander.

Both our Natrona County Chapter and our Cheyenne Chapter are now one year old. The Natrona Chapter held election of officers at the December meeting. The officers are as follows: Melanie Rudell, President; James Jones, Vice-President; Ernest Hagen, Treasurer; Larry Julian, Secretary; Bob Jackson, Board Member; and Elsie Ricketts, Board Member.

Last year we decided to tackle the DVR and its abuse of the Randolph-Sheppard program. Melanie decided that she wanted to have a career and that vending sounded great. There began the struggle with DVR. There were times when we felt intimidated by them. But we did not quit; and although I am not ready to say that we have absolutely won, or not until Melanie is actually in the Federal Building, we have absolutely won some victories. Today Melanie began her training in Cheyenne, which is something DVR had said they would not let her do. (She must go to Denver.) She is promised the Casper Federal Building when she passes training.

****Braille Cabin Cards:**

Carolyn Boak, a member of the Mid-Hudson Chapter of the NFB of New York writes:

"Here at last is an airline that's doing something right. It's a small commuter airline which flies a lot of IBM people. I thought this bright spot on the horizon might be something for the Monitor."

She refers to the fact that Command Airways is now making available Braille informational cards to blind passengers. These cards contain the same type of information as the print cards for sighted passengers.

****Employed and Moving:**

For the past three years Michael Floyd has capably served as the President of the NFB of Oklahoma. He and his wife Fatos are now moving to Nebraska, where Michael has been employed as a travel instructor with state services for the blind. There are those who would tell us that blind persons should not be permitted to teach mobility to their fellow blind, but Michael is a living example of the fallacy of this premise. The new President in Oklahoma is Mark Noble, and continued progress can be expected under his leadership. Congratulations to the Floyds and to Mark.

****World Blind Union:**

In October of 1984 the International Federation of the Blind and the World Council for the Welfare of the Blind met at Saudi Arabia and combined to form the World Blind Union. The two founding organizations then dissolved. The North American Delegation of the World Blind Union (WBU) met in Washington February 15, 1985. At that time William

Gallagher, Director of the American Foundation for the Blind, was elected North American Regional President of the WBU. Gallagher was elected to serve on the WBU executive committee, as were President Jernigan and Grant Mack. Robert Storey, Director of International Services for the Canadian National Institute for the Blind, was also elected to the WBU executive committee. Currently in the North American region are six delegates from the United States and four from Canada. The next regional meeting of the North American Delegation will occur in Toronto May 22 and 23, 1985.

****Why Not You:**

Tom Anderson is one of the leaders of the NFB of Ohio. He is constantly making opportunities to tell our story to the public. Concerning the recent conflict with USAir, he writes:

"On Friday morning, February 8th, at 2:00 a.m., I heard a news account about our demonstration at Washington National Airport on the ABC radio network. The report was sketchy. I decided that I should check with the other radio news networks to be sure they had the story.

"First, I called the Mutual Broadcasting Company and spoke to the night editor (David Rowland). He was surprised not to know anything about our demonstration and be just two blocks away from the scene of the action. I asked about a possible interview with one of our leaders to be used for 'America in the Morning.' He connected me with the producer (Craig Warner) of the program. Craig Warner was happy to interview me. Actually, I was interviewed by Jim Bohanon, who is the host of the program. This was a live interview.

"Next, I called the National Broadcasting Corporation's radio news department in New York City. Ed Gooch taped a statement from me.

"Finally, I called the radio news department of the Columbia Broadcasting Company in New York City. I spoke to an employee, Richard Adcock, who stated he is a 'Federationist.' Richard wanted to be in contact with someone who was at Washington National Airport for the demonstration. I gave him the home telephone number for Marc Maurer."

****By Their Fruit:**

The February, 1985, newsletter of the Warren Toyama group in Hawaii says in part:

"Our Annual Convention. . .March 22, 23, 24, 1985. . .Our guests from the mainland this year will be: Grant Mack, President of the American Council of the Blind; Durword (sic) McDaniel, Vice President of the American Council of the Blind; Robert Acosta, President of the California Council of the Blind; Allen Jenkins, long-time friend and yearly visitor; and Alfred Gil, faculty member at the California Orientation for the Blind (sic)."

****Growth:**

The NFB of Louisiana recently formed three new chapters. This means that the affiliate now has eighteen chapters and divisions. The Federation is definitely in a period of growth in Louisiana.

****Hospitalized:**

As we go to press, Homer Jackson (who is President of the National Federation of the Blind of Toledo, Ohio) has been hospitalized with a serious illness. He is in the intensive care unit of River-

side Hospital in Toledo. We do not have further details.

****Elected:**

Betty Kendall writes:

"Here are the officers of Mutual Federation of the Blind of Cleveland, affiliate of NFB-Ohio: Annette Anderson, President; Susan Franklin, Vice President; Betty Kendall, Secretary; Margaret Knall, Treasurer. Two Board Members, elected for terms of three years: Ethel Card and Joseph Turchan."

****Door Prizes:**

From Charles Allen in Frankfort, Kentucky, comes this message about our 1985 Louisville national convention:

"Door prizes are an important part of every national convention. They add to the joy of attending our sessions and encourage us to get to the meetings on time. Cash is especially welcome as a door prize because it helps the winner with his/her convention expenses.

"Remember that each item won as a door prize will have to be carried home by airplane, bus, or car. Any fabulous prize, such as a computer or a stereo system, can, of course, be shipped. So do not turn down a great donation because it will not fit into a suitcase.

"My address is 667 Montclair Road, Frankfort, Kentucky 40601. After 5:00 p.m. my telephone number is 502-875-1413.

"Whether you send a door prize to me prior to the convention or deliver it to Diane McGeorge at the convention, please label each item in ink print and in Braille—telling what it is and how much it is worth."

****Child Care and Babysitting at National**

Convention:

Mary Wurtzel is in charge of child care and babysitting activities at the 1985 NFB convention. She writes:

"For many Federation families our national convention is our family's vacation. More and more children are joining us the first week in July. We believe we should provide our children with quality care and also a good time. Each year we are trying to have new activities and events for our children. To be successful we urge, encourage, ask, etc. you, our parents, to help by cooperating with the following. We are doing our part to plan but need your help to be as successful as possible.

"1. As soon as possible I need to know the names and ages of the children you plan to bring to convention. This year ages are even more important as we hope to have some activities for our pre-teens and for our teenagers.

"2. If you are bringing teens, we propose to make a list ahead of time of teens who would like to contract with parents to do evening babysitting in the hotel rooms giving parents some time out in the evening. Please let me know if you have a child who would like to make a little cash doing babysitting.

"3. If there is enough interest expressed, we hope to have an event for blind teens to get to know one another. Let me know if you are interested.

"4. In order to provide a quality service, there are costs. We have not charged a specific fee. Parents, please plan in your budget to support child care in whatever amount you can handle. Of course, we would accept financial contributions from others, individuals, or even chapters or affiliates, but we ask the people who use the service to

support it.

"5. Parents, I have received not one toy for our toy chest. If we all bring at least one 'tough' toy to share (label it if you want it back), we should have plenty. Our kids need something to do up in that room for a week, so bring a toy.

"6. We are working hard to find outside volunteers to work with our paid personnel. However, we usually have fifty small children, and now several pre-teen children, to care for. If you have a real desire to spend just a couple hours volunteering, let me know. This will help me to not be trying to schedule people as much at convention.

"Write or phone Mary Wurtzel, 7530 Vine Street, Lincoln, Nebraska 68505; phone 402-464-8200."

****Last Chance:**

There is still time if you hurry! You could win \$500 by submitting the best name for the **THING**—a computer project now underway to provide speech output for the IBM personal computer. Review the details in the January, 1985, Monitor, and submit your entry to Tim Cranmer, 523 Pawnee Trail, Frankfort, Kentucky 40601 by May 1, 1985.

****Free Kentucky Derby Glasses:**

Each person who registers for the 1985 convention of the National Federation of the blind to be held in Louisville, Kentucky, the week of July 4, 1985, will receive a free Kentucky Derby glass. These glasses, which list all of the winners of the Kentucky Derby dating back to the first Kentucky Derby in 1875, are considered collectors items and are a Louisville, Kentucky, tradition. Don't miss your chance to obtain

one of these treasured Louisville souvenirs. Be sure and register for this year's convention in Louisville, Kentucky.

****Kentucky has Law:**

After reading the March, 1985, Monitor, leaders of the Kentucky affiliate wrote as follows to the National Office:

"An article in the March, 1985, Monitor discussed the report of the National Association of Insurance Commissioners which was issued in September of 1984. The appendix to that report failed to include Kentucky as a state which had legislation prohibiting discrimination by insurance companies on account of blindness.

"The information contained in that appendix is incorrect. The state of Kentucky, as a result of the National Federation of the Blind of Kentucky, does have a law prohibiting discrimination by insurance companies for all forms of insurance on account of blindness which became effective on July 15, 1984. Kentucky's law prohibits discrimination only on account of blindness and does not include other handicapped persons."

****Elected:**

On January 14, 1985, the following people were elected to office in the Chattanooga Chapter of the National Federation of the Blind of Tennessee:

President, June A. Grant; First Vice President, Hank LaBonne; Second Vice President, Lester Davenport; Secretary, Carolyn G. Owensby; Treasurer, Judy Bryson; and Board Members: Willie Clay, Brenda Davenport, Dot Dubrow, and Glenn Ledford.

****IDS/American Express:**

We recently received in the National Office the following letter:

"The IDS/American Express Community Involvement Program gives employees and their families an opportunity to decide where much of IDS/American Express' community support goes.

"I am happy to enclose \$1,740.00 which 'double' matches, because of volunteer involvement, the recent contribution of Curtis and Peggy Chong.

"We hope our support through matched gifts and voluntarism will grow and that a significant portion of our corporate contributions will be directed through matched gifts."

****A Federation Wedding:**

Pete Donahue of Smithville, Texas, met Mary Jeatran of Jamesville, Wisconsin, at the 1984 NFB convention in Phoenix, Arizona. As Mary put it, "We've been corresponding ever since." Pete and Mary were married after the banquet at the NFB of Texas convention in Dallas March 23, 1985. The ceremony was performed by national Board Member Reverend Ronald Byrd.

THE BRAILLE MONITOR

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